

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1861.



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1861.

RULES AND ORDERS
OF THE
SENATE OF MAINE,
FOR THE POLITICAL YEAR
1861.



RULES AND ORDERS.

1. The president shall take the chair at the time to which the senate stands adjourned; but in case the president shall be absent, the secretary shall preside until a president *pro tempore* be chosen.

2. At the first session of each day, on the appearance of a quorum, the journal of the preceding day shall be read.

3. When the president speaks, he shall address the senate. When a senator speaks he shall stand in his place and address the president, and when done speaking shall take his seat.

4. The president, when he speaks to any member of the senate, and the members when referring to each other in debate, shall use in their addresses the title of *senator*, and by way of distinction name the county in which he resides.

5. The president shall have the right to name a senator to perform the duties of the chair during his absence; but the substitution shall not extend beyond an adjournment.

6. The president may read sitting, but he shall rise to put a question. He shall declare all votes: but if

any senator doubt the vote, all those voting in the affirmative, when called upon by the president, shall rise and stand until they are counted, and also those in the negative, in like manner, to make the vote certain.

7. The president shall consider a motion to adjourn as always first in order, and it shall be decided without debate.

8. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, to postpone to a day certain, to commit, to amend, or to postpone indefinitely; which several motions shall have precedence in the order in which they stand arranged.

9. A motion when seconded, and not before, shall be received and considered. It shall be reduced to writing, if desired by the president or any senator, and shall then be deemed to be in possession of the senate, to be disposed of by the senate; but the mover may withdraw it, at any time before a decision or amendment be made to it.

10. The senator who shall first rise and address the chair, on any question, shall be entitled to the floor; and the president shall determine all questions of priority under this rule.

11. No senator shall speak more than once to the same question, to the prevention of any other who desires to speak and has not spoken, nor more than twice without first obtaining leave of the board, if any senator objects, unless he be the mover of the matter

under debate, and then not more than three times without leave as aforesaid.

12. No senator shall interrupt another while speaking, except to call to order.

13. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

14. An amendment proposed may be amended before it is adopted, but not afterwards, except the vote adopting it be first reconsidered.

15. When a motion has been made and carried, it shall be in order for any member of the majority to move for a reconsideration thereof, on the same or succeeding day. A motion to reconsider any vote shall not be laid on the table unless a time shall be specially assigned for its consideration.

16. Questions of order shall be decided by the president without debate; but if an appeal is taken, the same may be debated like other questions, and the decision thereon shall be entered on the journal.

17. A question containing two or more propositions capable of division, shall be divided whenever desired by any member.

18. In filling up blanks the largest sum and longest time shall be put first.

19. Every paper shall be once read at the table, before any senator shall be obliged to vote on it, but

when the reading of a paper is called for, that has been before read to the senate, if any senator object, the question shall be determined by the senate.

20. All bills and resolves in the second reading shall be committed to the committee on bills in the second reading, to be by them examined, corrected, and so reported to the senate.

21. Upon the second reading of a bill or resolve, after the same shall be read through, and before the question is put on its passage, it shall be read and considered by paragraphs, at the request of any member of the senate; and no bill or resolve shall have a second reading, unless a time, not less than one hour after the first reading, be assigned therefor.

22. No bill or resolve shall pass to be engrossed, without being twice read; and all bills and resolves, immediately after the same shall have been engrossed, shall be committed to the committee on engrossed bills, whose duty shall be to examine the same, and to see that the same have been truly engrossed; and before any bill shall pass to be enacted, or any resolve be finally passed, it shall be reported by the committee for the examination of engrossed bills, to be truly and correctly engrossed, and the title thereof be read by the president.

23. No resolve of any kind, or order making any grant of money, lands or other public property, shall be passed, without being read on two several days:

the time for the second reading shall be assigned by the senate.

24. After the reading of the journal, the following shall be the order of business :

1st, House papers not acted on ; and if accompanied by a bill or resolve, the first reading of such bill or resolve.

2d, Messages and documents from the executive and heads of departments.

3d, The reception and reference of petitions and such other papers, except bills and resolves, as require action by a committee.

4th, Reports of committees, and if accompanied by a bill or resolve, the first reading of such bill or resolve. Bills, resolves, &c., offered by senators, and their reference or first reading.

5th, Bills and resolves reported by the committee on bills in the second reading.

6th, Bills on their passage to be enacted, and resolves on their final passage.

It shall be the duty of the secretary to number bills and resolves in the order in which they shall be reported by said committee, and enter them upon the calendar in such order. They shall be taken up for their second reading and passage to be engrossed, or other disposition, in the order in which they stand upon the calendar. When a bill or resolve, after it is put on the calendar, is laid on the table, and no time assigned for its further consideration, it shall go to the foot of the

calendar as it then stands. Papers from the house, concerning which there has been a disagreeing vote of the two houses, shall be disposed of before commencing with the calendar. This rule shall not apply to or interfere with motions to reconsider, or special assignments, or other privileged questions.

25. When the yeas and nays are taken, the names of the senators shall be called alphabetically.

26. After a question is put to vote, no senator shall speak on it. Every senator who may be present shall vote, unless excused by the senate, or excluded by interest.

27. The unfinished business, in which the senate was engaged at the time of the last adjournment, shall have preference in the orders of the day.

28. No engrossed bill or resolve shall be sent to the house without notice thereof being given to the senate by the president.

29. Every member who shall present a petition, shall place his name thereon and a brief statement of its subject.

30. All confidential communications made by the governor to the senate, shall be by the members thereof kept inviolably secret until the senate shall by their resolution take off the injunction of secrecy.

31. No rule shall be dispensed with, except by the consent of two-thirds of the members present.

32. Any member of the senate may exchange seats on consulting the president and obtaining his permission.

33. No member shall absent himself from the senate without leave, unless there be a quorum left present.

34. All committees shall be nominated by the president, (except when it may be determined that the election shall be by ballot,) and appointed by the senate.

35. The following standing committees shall be appointed at the commencement of the session, viz :

Standing Committees of the Senate.

On bills in the second reading,

On engrossed bills,

To consist of twelve members each. Any one of the first and any two of the second shall constitute a quorum.

36. No member of the senate shall act as counsel for any party, before any committee of the legislature.

37. All messages from the senate to the house and to the governor, or governor and council, shall be carried by the secretary, unless the senate shall direct some other mode of transmission, and all papers shall be transmitted to the governor and council, and to the house by the secretary or his assistant.

38. No bill or resolve, the subject matter of which has been acted upon by a committee, shall be laid upon the table by leave.

39. The rules of parliamentary practice comprised in Cushing's Manual, and Cushing's Law and Practice of Legislative Assemblies, shall govern the senate in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the senate, or the joint rules and orders of the two houses.

MEMORANDA.

1. Orders, motions in writing, and reports of committees, should never be presented on less than half a sheet of paper.
2. When a *report* of a committee is made to the *senate* it should be accompanied by the *order* appointing said committee.
3. Petitions, memorials, and remonstrances from towns, in their *corporate capacity*, should be endorsed thus, "*Petition of the town of —,*" [stating concisely the subject matter thereof.]
4. Petitions, memorials and remonstrances from individuals, should be endorsed thus, "*Petition of —, and others of the town of —,*" [stating concisely the subject matter thereof.]
5. Petitions, memorials and remonstrances from corporations, should be endorsed thus, "*Petition of —,*" [naming the corporation and stating concisely the subject matter thereof.]
6. The name of the member presenting petitions, memorials and remonstrances, should be endorsed on the back thereof, *near the bottom*, with the place of his residence.

7. The member presenting an *order*, should put his name thereto, on the inside, at the bottom of the page, on the left, with the place of his residence.
8. Petitions, memorials and remonstrances on which *leave to withdraw* was ordered by a former legislature, cannot be recalled from the files with a view of being again referred. The *original*, however, may be taken from the files, and the subject presented *de novo*.
9. Bills and resolves *refused a passage, rejected or postponed indefinitely* by a former legislature, can not be called from the files with a view of being considered by the present legislature.
10. The heading or caption of BILLS, should be as follows:

STATE OF MAINE.

In the year of our Lord one thousand eight hundred and sixty-one.

An act ———

Be it enacted by the senate and house of representatives in legislature assembled, as follows:

11. The caption of RESOLVES, as follows:

STATE OF MAINE.

[*omitting* the year required in bills.]

Resolve ———

12. The caption of ORDERS, as follows:

STATE OF MAINE.

IN SENATE, ——— 1861.

ORDERED, ———