

# MAINE STATE LEGISLATURE

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STANDARD OPERATING PROCEDURE  
for  
JOINT STANDING COMMITTEES OF THE MAINE LEGISLATURE

Harry N. Starbranch  
Secretary of the Senate

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Joint Standing Committees shall consist of three on the part of the Senate and not less than seven nor more than ten on the part of the House. The first named Senate member shall be the Chairman. In his temporary absence the first named House member shall serve as Chairman; and, thereafter, as the need may arise, the chairmanship shall alternate between the members from each house in the order of their appointment to the Committee.

As soon as both houses have named the appointees to any Standing Committee, the Chairman should call an organizational meeting of all Committee members for the purpose of the determining of such matters as may be necessary for the prompt accomplishment of the Committee's work.

A quorum shall consist of a majority of the appointed members. The Clerk shall record the date and the names of the members present making up the quorum.

The Chairman is responsible for the scheduling of hearings, and should endeavor to plan ahead, with a set day and time weekly, or otherwise, for the benefit of a continuing schedule. The Chairman is responsible for the submission of committee reports to the proper branch of the Legislature.

Each Clerk shall, acting under the direction of the Chairman, arrange for a hearing or meeting room at a time and on a day determined by the Chairman, and cause publication of notices, in accord with legislative rules, in order that all concerned may receive due notice.

Clerks shall endeavor to have a supply of documents, previously printed, on hand at the time of any public hearing, and each Clerk shall be charged with checking frequently as to the demand and supply of printed measures of Bills assigned to a Committee with the office of the Legislative Document Clerk. The Clerk will keep a written record of the names and official positions of all persons appearing before the Committee, noting each as a proponent or as an opponent. The Clerk shall be responsible, as custodian, from the time each legislative measure is entrusted to his or her care by the administrative personnel of the Legislature until the document is reported out of Committee, and return the measure to the proper legislative official.

The Chairman shall call the meeting to order after recognizing the presence of a quorum, but never before the hour publicly scheduled, and announce the Committee involved in order to allow any person who has mistakenly appeared before the wrong Committee to make readjustments. Generally speaking, Bills should be heard in the order advertised. For good reason, the order of hearing may be changed, but the public attending should be fully advised at the hearing that such is to be done. The Chairman shall then announce the numbers and name of the

document, read or cause it to be read in its entirety, if requested, and then proceed to call for the document's sponsor to appear before the Committee. The sponsor shall ordinarily be followed by all those who desire to appear as proponents, each individual announcing his name clearly, and the official position he occupies, if such be the case, prior to his presentation. The accepted salutation on the part of these testifying should be, "Mr. Chairman and members of the \_\_\_\_\_ Committee", or "Chairman \_\_\_\_\_ and members of the Committee on \_\_\_\_\_". As each person finishes addressing remarks to the Committee, the Chairman shall afford members of the Committee the opportunity to ask questions of such persons so appearing, in which case each Committee member shall address the Chair and become recognized by the Chairman, then proceed to direct questions to the witness. The Chairman has the responsibility of strict supervision to avoid running debate between a Committee member and a witness; yet it shall also be the Chairman's responsibility, with dignity, to attempt to permit a Committee member to try to obtain the information he needs to the best of his ability, commensurate with avoiding cross examinations, discourtesy, or personalities.

All those who desire to be recognized and heard as opponents follow, with the same attention given to procedure as in the case of the proponents.

No speaker on a Bill should be required to respond to questions put by persons other than members of the Committee.

Repetition, extraneous remarks, and any degree of impertinence should be avoided. At the Committee's discretion, and with a courteous announcement to that effect, equally, the length of time allowed any one speaker may be limited.

The Chairman shall decide all questions of order, subject to appeal to a majority of the Committee. He shall have the right to declare the room should be cleared, if such ever becomes necessary. He shall supervise and direct the Clerk; supervise, assist, and be responsible for the preparation of all reports; and shall arrange, with any other Committee Chairman, the holding of joint hearings in co-reference matters with which he is specifically charged, reporting back to that branch from which a measure originated, in a proper form, all matters referred to it.

Following the hearing by a Committee of all proponents and opponents, the Chairman shall call for testimony by others who wish to be heard as neither proponents or opponents, and the Chairman may hear those already heard as a proponent or an opponent only if such person has additional testimony, desires to attempt to correct or refute, or feels compelled to address pertinent and important questions through the Chair to those who have previously testified. When all have been heard, the Chair shall declare the public hearing closed, announcing that the matter will receive consideration at an executive session of the Committee, and he will then proceed with other matters on that day's agenda.

All Committee decisions must be made in executive session, with only members, forming a quorum, present at the time of the vote. In executive session, the Chair shall permit each Committee member to speak to his viewpoint with only one member speaking at a time, and confining his remarks to the issue and the decision. Committee Amendments may be drafted, discussed, and acted upon, and if very substantial, or if many seem to be indicated, a New Draft of the original document is in order for consideration. Action should be finally accomplished by a formal motion to avoid complications and misunderstanding, such as, "Mr. Chairman, I move that this Bill be reported as "ought to pass", "ought to pass as amended", "ought to pass in New Draft", "leave to withdraw", "leave to withdraw as covered by other legislation", "referred to the next Legislature" or as "ought not to pass".

Jackets, as provided by the Legislative officials, providing for split reports, shall always be available. In the event of a unanimous report, one legislator, from that branch from which the document arose, may sign for the whole Committee his name in full, and the community or county he represents. In the event of any decision not unanimous, each Committee member attests to his view by individually signing that report to which he agrees. All reports on any document must be submitted to the Legislature at the same time.

At joint hearings before two Committees, the Chairman of the first-named Committee in the reference action shall preside.

Voting decisions within a Committee, at the time of an executive session, should be maintained as secret until the Bill is reported out officially.

It is inherent in the Committee's responsibilities to the electorate that it inquire into the condition and administration of the laws relating to the subjects before it, and to investigate the conduct and look to the responsibility of all public officers and employees concerned, standing ready to suggest such measures as will correct abuses, protect the public interest, and promote the public welfare. However, unless so authorized by the Legislature, a Committee shall not be considered to have the authority to conduct an investigation, or to subpoena witnesses or administer oaths.

The Clerk of the Committee to which are referred Bills, Resolves or orders involving the appropriation or expenditure of money shall forthwith upon receipt of such Bills, transmit a copy thereof carrying endorsement of reference, to the Committee on Appropriations and Financial Affairs for its information.

When a matter has been recommitted to Committee, the subject matter is before the Committee anew with the need for public hearings to be decided by the Committee, all previous action being of no effect.

A substitute measure, reported out by a Committee in New Draft, shall carry the original L.D. number as an identification along with its redraft L.D. number, and must embrace the same general subject matter, intended to accomplish the same purpose as the original.



The Clerk shall submit a report to the Secretary of the Senate before 1 p.m. of the last legislative day of each week. This report shall include, but not be limited to, the number of bills and resolves received by the Committee; the number which have been heard; the number which have been advertised, but not heard; the number which are unadvertised; and the number which have been heard, but not reported out of Committee; and the number which have been reported to the Legislature.

All bills must be reported from Committee by 1 p.m. on the last Friday of April, or by such later time as may be fixed by the Committee on Reference of Bills.

The final report of the Committee shall be filed with the Senate when the Chairman and Clerk determine that all matters assigned have been acted upon one way or another by the full Legislature.