

MAINE STATE LEGISLATURE

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Report of the Special Committee on Legislative on Rules

January 13, 1999

Subcommittee on Senate Rules

**President Mark W. Lawrence
Senator Anne M. Rand
Senator Sharon Anglin Treat
Senator Jane A. Amero
Senator S. Peter Mills**

Subcommittee on House Rules

**Speaker G. Steven Rowe, Chair
Representative Richard H. Thompson
Representative Joseph M. Jabar
Representative Michael J. McAlevey
Representative Janice E. Labrecque**

Staff

**Joy J. O'Brien, Secretary of the Senate
Judith M. Delfranco, Assistant Secretary of the Senate
Joseph W. Mayo, Clerk of the House
Millicent M. MacFarland, Assistant Clerk of the House**

- 3) An amendment to amend Joint Rule 105, amend Joint Rule 301.5 and the repeal Joint Rule 405 (language to be included in Chamber Rules) (Attachment C) was offered by Speaker Rowe. Senator Treat moved "Ought to Pass". The motion was seconded by Representative Thompson. "Ought to Pass" motion passed unanimously (8-0).
- 4) Proposed amendment to Joint Rule 310.5 (Attachment D) was withdrawn for consideration. Clerk Mayo confirmed this communication from Representative Murphy.
- 5) A proposed amendment presented by Representative Bull to amend Joint Rule 206.3 (Attachment E) was offered and discussed by Committee Members. Representative Thompson moved "Ought to Pass". Speaker Rowe seconded the motion. President Lawrence moved that the item be tabled until later in the day. Motion to table prevailed (6-1). Subsequently, President Lawrence laid the matter before the Committee and Senator Treat offered a "friendly" amendment (see revised language on Attachment E). The "Ought to Pass" as amended motion was passed (8-1).
- 6) A proposed amendment presented by Representative Pieh to amend Joint Rule 206.3 (Attachment F) was discussed by Committee Members. Representative Thompson moved "Ought Not to Pass". Senator Rand seconded the motion. "Ought Not to Pass" motion was accepted unanimously (9-0). A matter that had been previously tabled until later in the day was laid before the committee. (see item 5)
- 7) A proposed amendment offered by Representative Mack to amendment Joint Rule 304 (Attachment G) was discussed by Committee Members. Senator Rand moved "Ought Not to Pass". Representative Thompson seconded. "Ought Not to Pass" motion was passed unanimously (8-0).
- 8) A proposed amendment to Joint Rule 312-A (Attachment H) was offered by Representative Brennan. Speaker Rowe offered an amendment to replace the word "shall" with the word "may" in the first line and moved passage as amended. Senator Treat seconded the motion. Representative Thompson suggested that the word "recommended" be inserted after the first word "the" in the last line. By consensus the Committee Members agreed. The motion to "Adopt as Amended" was unanimous (7-0)
- 9) A proposed amendment to Joint Rule 304 (Attachment I) was offered by Representative Perkins and discussed by Committee Members. Representative Labrecque moved "Ought to Pass". Motion was seconded by Representative McAlevey. Speaker Rowe and President Lawrence agreed that guidelines for Committee Chairs should be established and will work together to develop additional appropriate guidelines for conducting public hearings. Representative Labrecque withdrew her "Ought to Pass" motion. Speaker Rowe moved "Ought Not to Pass". Senator Rand seconded. "Ought Not to Pass" motion prevailed unanimously (7-0).

- 10) A proposed amendment to Joint Rule 301(Attachment J) was offered by Representative Volenik and discussed by Committee Members. Senator Treat moved "Ought Not to Pass". Senator Rand seconded the motion which was unanimously accepted. (7-0)
- 11) President Lawrence moved "Ought Not to Pass" for all other proposals (Attachment K, L, M & N) since those proposals conflict with newly adopted changes of the rules. Motion passed unanimously (7-0)

President Lawrence and Speaker Rowe thanked members for their participation and indicated that there may be other business to come before the Committee in the future and any other meetings of the Committee would be called as needed. Meeting adjourned.

PROPOSED AMENDMENT TO JOINT RULES
PRESIDENT MARK W. LAWRENCE
SPEAKER G. STEVEN ROWE

Joint Rule 203-A

~~Rule 203-A. Cloture for Governor's Bills and Resolves.~~

~~—All requests for bills and resolves submitted by the Governor must be submitted to the Revisor of Statutes by 4:00 p.m. on the Friday following the first Monday in January, except that if the convening of a first regular session coincides with the beginning of a newly elected Governor's first term, all Governor's requests for bills and resolves must be submitted by 4:00 p.m. on the Friday following the first Monday in February.~~

Joint Rule 205

Rule 205. Filing after Cloture.

Any request for a bill or resolve submitted to the Revisor of Statutes by a Legislator, ~~the Governor~~ or a department, agency or commission after the appropriate cloture date must be transmitted to the Legislative Council. The council shall ascertain from the sponsor ~~or the Governor~~ the facts supporting the request notwithstanding cloture. If a majority of the council approves, the legislation is eligible for introduction as other legislation that is in compliance with Rule 202 or 203.

ORDERS

Joint Orders

(4-1) On motion by Senator TREAT of Kennebec, the following Joint Order: S.P. 41

ORDERED, the House concurring, that Joint Rule 354 be amended to read:

Rule 354. Joint Select Committee on Joint Rules.

Beginning with the 2nd Regular Session of the 119th Legislature, there is established the Joint Select Committee on Joint Rules. Notwithstanding Joint Rule 351, the committee consists of 5 Senators, appointed by the President of the Senate, and 5 members of the House of Representatives, appointed by the Speaker of the House. The first-named Senate member is the Senate chair; the first-named House member is the House chair.

The committee shall meet at least once annually and at other times agreed upon by the President of the Senate and the Speaker of the House to review the joint rules and recommend changes the committee determines necessary.

The committee shall invite the participation of the Secretary of the Senate, the Clerk of the House, the Executive Director of the Legislative Council, the Director of the Office of Fiscal and Program Review, the Director of the Office of Policy and Legal Analysis and the Director of the Office of the Revisor of Statutes. Staffing is provided by the Office of Policy and Legal Analysis.

The committee shall report annually by October 15th with any suggested changes to the Joint Rules.

READ and PASSED.

Sent down for concurrence.

Proposed Amendment to Joint Rules
Speaker G. Steven Rowe

Rule 105 Add:

Salary and benefit information regarding employees and officers of the Legislature is public information and when requested must be provided within a reasonable time by the Secretary of the Senate for Senate employees, the Clerk of the House for House employees, and the Executive Director of the Legislative Council for other Legislative employees.

Rule 301, 5

~~As authorized by Title 3, section 165,~~ There are 17 joint standing committees,

Rule 405 Delete:

(Text is covered by changes to House Rule 517)

PROPOSED AMENDMENT TO JOINT RULES
REP. THOMAS W. MURPHY, JR.

Joint Rule 310.5

5. Committee Voting. The committee clerk shall prepare the committee jacket or jackets following the vote and obtain signatures from committee members as required. If all members are not present for the vote, the bill must be held until the following periods have expired.

A. If any member is absent from the State House and the State Office Building at the time of the vote, that member's vote may be registered with the clerk up until noon on the 2nd business day following the vote.

B. If any member is absent from the committee at the time of the vote but present in the State House or the State Office Building, that member's vote may be registered with the clerk up until 5:00 p.m. on the day of the vote.

A member may abstain from voting only for a conflict of interest under Joint Rule 104.

Except for a motion to adjourn, a question may not be decided and official action may not be taken in the absence of a quorum.

~~No~~A committee vote on a bill may not be taken after 10:30 p.m. or before 7:30 a.m. unless that vote is authorized by the presiding officers. ~~If the presiding officers provide this authorization, they shall notify~~ and notification is given to the other members of the Legislative Council ~~concurrently~~.

PROPOSED AMENDMENT TO JOINT RULES
REP. THOMAS BULL.

Joint Rule 206.3

Rule 206. Sponsorship.

3. Indian Representatives. The member of the Penobscot Nation and the member of the Passamaquoddy Tribe elected to represent their people at each biennial Legislature may sponsor or cosponsor legislation ~~specifically relating to Indians and Indian land claims~~ and may sponsor and cosponsor expressions of legislative sentiment in the same manner as other members of the House.

Rules Committee proposal:

Rule 206. Sponsorship.

3. Indian Representatives. The member of the Penobscot Nation and the member of the Passamaquoddy Tribe elected to represent their people at each biennial Legislature may sponsor ~~or cosponsor~~ legislation specifically relating to Indians and Indian land claims, may cosponsor any other legislation and may sponsor and cosponsor expressions of legislative sentiment in the same manner as other members of the House.

Purpose of proposed change: To give the Native American Representatives the same sponsorship and cosponsorship rights as all other Representatives. The current language is vague, what exactly qualifies as an issue 'specifically relating to Indians and Indian land claims'? This qualification is very subjective; it is difficult at best to determine if an issue specifically relates to Indian issues. Furthermore, if a Native American Representative has tremendous knowledge and experience in a particular area that may not be directly related to Indian issues, the representative is hindered in their ability to propose legislation on this subject matter.

PROPOSED AMENDMENT TO JOINT RULES
REP. WENDY PIEH

Joint Rule 206.3

Rule 206. Sponsorship.

3. Indian Representatives. The member of the Penobscot Nation and the member of the Passamaquoddy Tribe elected to represent their people at each biennial Legislature may sponsor or cosponsor legislation specifically relating to Indians and Indian land claims and may sponsor and cosponsor expressions of legislative sentiment in the same manner as other members of the House. May serve on joint committees of the Legislature and may vote in all cases as a member of a joint committee of the Legislature.

PROPOSED AMENDMENT TO JOINT RULES
REP. ADAM MACK

JOINT RULE 304

Rule 304. Procedures for Public Hearings and Work Sessions.

At the beginning of each legislative biennium, all committees shall adopt procedures that govern public hearings, work sessions and confirmation hearings. Copies of the procedures must be sent to the presiding officers, the Secretary of the Senate, the Clerk of the House and the Executive Director of the Legislative Council upon adoption and must be posted and made available upon request at all public hearings and work sessions.

The rules of procedure in committee are the same as the rules of the Senate and the House of Representatives to the extent applicable. Committee procedures must be consistent with these rules.

The presiding chair shall decide all questions of order, subject to appeal to the committee. The chair's ruling stands unless overruled by a majority vote of the committee membership.

Scheduling of bills to be considered in public hearings and work sessions must be arranged by the Senate chair with the agreement of the House chair; if agreement is not reached, the committee shall decide by majority vote of the membership.

At public hearings, the chair may limit testimony as necessary for the orderly conduct of the hearing. Members may question witnesses to clarify testimony and to elicit helpful and pertinent information. While aggressive and probing questions may sometimes be appropriate, members shall exhibit respect for the witnesses and for one another. Members shall refrain from interrogation that is argumentative, oppressive, repetitive or unnecessarily embarrassing to hearing participants. Advocacy and discussion among members are not appropriate at public hearings. A committee member who is the primary sponsor of a bill and any member who testifies for or against the bill should ordinarily refrain from questioning other witnesses. A witness testifying before a committee shall provide a statement that includes the amount and source of any federal or state grants, appropriations or allocations or any federal or state contract received during the current fiscal year and previous 2 fiscal years by the witness or an organization the witness represents.

PROPOSED AMENDMENT TO JOINT RULES
REP. MICHAEL F. BRENNAN

Joint Rule 312-A

Rule 312-A. Constitutional Resolutions

A committee ^{may} shall submit the question to be voted on under a resolution proposing to amend the Constitution of Maine to the Secretary of State for review prior to reporting the resolution out of committee with a recommendation other than "Ought Not to Pass" or "Referral to Another Committee." The Secretary of State shall apply the same standards of clarity to that question as to questions for the people's veto and initiative referenda under the Maine Revised Statutes, Title 21-A, section 906, subsection 6 and advise the committee and the sponsor of the resolution as to the wording of the question.

↑
Recommended

PROPOSED AMENDMENT TO JOINT RULES
REP. ROYCE W. PERKINS

Rule 304. Procedures for Public Hearings and Work Sessions.

At the beginning of each legislative biennium, all committees shall adopt procedures that govern public hearings, work sessions and confirmation hearings. Copies of the procedures must be sent to the presiding officers, the Secretary of the Senate, the Clerk of the House and the Executive Director of the Legislative Council upon adoption and must be posted and made available upon request at all public hearings and work sessions.

The rules of procedure in committee are the same as the rules of the Senate and the House of Representatives to the extent applicable. Committee procedures must be consistent with these rules.

The presiding chair shall decide all questions of order, subject to appeal to the committee. The chair's ruling stands unless overruled by a majority vote of the committee membership.

Scheduling of bills to be considered in public hearings and work sessions must be arranged by the Senate chair with the agreement of the House chair; if agreement is not reached, the committee shall decide by majority vote of the membership.

At public hearings, the chair may limit testimony as necessary for the orderly conduct of the hearing. After the bill is presented by the sponsor and any cosponsors the chair shall limit the testimony of the opponents to the legislation to ½ hour. The proponents to the legislation will then be allowed ½ hour to present testimony. After that time, each side may continue its testimony of the legislation alternating between the opponents and proponents in ½ hour increments. Members may question witnesses to clarify testimony and to elicit helpful and pertinent information. While aggressive and probing questions may sometimes be appropriate, members shall exhibit respect for the witnesses and for one another. Members shall refrain from interrogation that is argumentative, oppressive, repetitive or unnecessarily embarrassing to hearing participants. Advocacy and discussion among members are not appropriate at public hearings. A committee member who is the primary sponsor of a bill and any member who testifies for or against the bill should ordinarily refrain from questioning other witnesses.

M
R & S.

Attachment J

STATE OF MAINE

In House _____

ORDERED, the Senate concurring, that Joint Rule 301, last paragraph is amended to read:

As authorized by Title 3, section 165, there are ~~17~~ 16 joint standing committees, which must be appointed at the commencement of the first regular session and which exercise jurisdiction in the following areas:

- Agriculture, conservation and forestry
- ~~Appropriations and financial affairs~~
- Banking and insurance
- Business and economic development
- Criminal justice
- Education and cultural affairs
- Health and human services
- Inland fisheries and wildlife
- Judiciary
- Labor
- Legal and veterans affairs
- Marine resources
- Natural resources
- State and local government
- Taxation
- Transportation
- Utilities and energy

; and be it further

ORDERED, the Senate concurring, that Joint Rule 314 is repealed and replaced to read:

Rule 314. Participation in Budget Hearings and Work Sessions.

As used in this Rule, "policy committee" means a joint standing committee or joint select committee having subject matter jurisdiction.

In each year of the biennium, any budget bill submitted to the Legislature by the Governor is subject to the following procedures.

1. Budget Recommendations. Budget recommendations made by the Governor on areas within the jurisdiction of a policy committee must be heard initially by the policy committee having jurisdiction over the subject matter presented.

2. Policy Committee Recommendations. Each policy committee shall report out the policy committee's recommendations regarding the relevant part of the Governor's budget. These recommendations must be reported out within a time period set by the presiding officers after consultation with the chairs of the policy committee.

3. Reconciliation Authority. Notwithstanding Joint Rule 406, following final enactment of each policy committee's recommendations, the Joint Standing Committee on Taxation shall receive and review the revenue and expenditure recommendations as enacted and reconcile the budget to reflect those recommendations. In performing this reconciliation, the Joint Standing Committee on Taxation shall propose changes in taxes in order to balance the enacted expenditure recommendations against the expected revenue. The Joint Standing Committee on Taxation shall report out its recommendations within a time period set by the presiding officers after consultation with the chairs of the Joint Standing Committee on Taxation.

4. Enactment by Legislature; balancing. The reconciliation recommendations of the Joint Standing Committee on Taxation must be voted on by both chambers and may be amended as long as the reconciliation recommendations as finally enacted have the effect of balancing the enacted expenditures against anticipated revenue. Following final enactment of the reconciliation recommendations, the enacted expenditures and the enacted reconciliation recommendations must be presented to the Governor pursuant to Joint Rule 406.

SPONSORED BY: 
(Representative VOLENIK)

TOWN: Brooklin

R. d. S.



Attachment K

STATE OF MAINE

In House _____

ORDERED, the Senate concurring, that the Joint Rules be amended by repealing and replacing Joint Rule 203-A with the following:

Rule 203-A. Late-filed Governor's Bills and Resolves.

If a request for a bill or resolve is submitted by the Governor after May 1st in an odd-numbered year or after March 1st in an even-numbered year, the Governor shall, at the time the request is submitted for processing to the Revisor of Statutes, notify in writing the chairs of the potential joint standing committee of reference and the presiding officers describing the content of any such bill or resolve.

; and be it further

ORDERED, the Senate concurring, that the Joint Rules be amended by amending Joint Rule 205 to read:

Rule 205. Filing after Cloture.

Any request for a bill or resolve submitted to the Revisor of Statutes by a Legislator, ~~the Governor~~ or a department, agency or commission after the appropriate cloture date must be transmitted to the Legislative Council. The council shall ascertain from the sponsor ~~of the Governor~~ the facts supporting the request notwithstanding cloture. If a majority of the council approves, the legislation is eligible for introduction as other legislation that is in compliance with Rule 202 or 203.

SPONSORED BY: _____
(Representative MARTIN)

TOWN: Eagle Lake

R. of S.

Attachment L

STATE OF MAINE

In House _____

ORDERED, the Senate concurring, that the Joint Rules be amended by repealing and replacing Joint Rule 203-A with the following:

Rule 203-A. Late-filed Governor's Bills and Resolves.

If a request for a bill or resolve is submitted by the Governor within 3 weeks of the statutory adjournment date of the Legislature, the Governor shall, at the time the request is submitted for processing to the Revisor of Statutes, notify in writing the chairs of the potential joint standing committee of reference and the presiding officers describing the content of any such bill or resolve.

; and be it further

ORDERED, the Senate concurring, that the Joint Rules be amended by amending Joint Rule 205 to read:

Rule 205. Filing after Cloture.

Any request for a bill or resolve submitted to the Revisor of Statutes by a Legislator, ~~the Governor~~ or a department, agency or commission after the appropriate cloture date must be transmitted to the Legislative Council. The council shall ascertain from the sponsor ~~of the Governor~~ the facts supporting the request notwithstanding cloture. If a majority of the council approves, the legislation is eligible for introduction as other legislation that is in compliance with Rule 202 or 203.

SPONSORED BY: _____
(Representative MARTIN)

TOWN: Eagle Lake

PROPOSED AMENDMENT TO JOINT RULES
REP. THOMAS W. MURPHY, JR.

Joint Rule 203-A

~~Rule 203-A. Cloture for Governor's Bills and Resolves.~~

~~—All requests for bills and resolves submitted by the Governor must be submitted to the Revisor of Statutes by 4:00 p.m. on the Friday following the first Monday in January, except that if the convening of a first regular session coincides with the beginning of a newly elected Governor's first term, all Governor's requests for bills and resolves must be submitted by 4:00 p.m. on the Friday following the first Monday in February.~~

PROPOSED AMENDMENT TO JOINT RULES
REP. THOMAS W. MURPHY, JR.

Joint Rule 205

Rule 205. Filing after Cloture.

Any request for a bill or resolve submitted to the Revisor of Statutes by a Legislator, ~~the Governor~~ or a department, agency or commission after the appropriate cloture date must be transmitted to the Legislative Council. The council shall ascertain from the sponsor ~~or the Governor~~ the facts supporting the request notwithstanding cloture. If a majority of the council approves, the legislation is eligible for introduction as other legislation that is in compliance with Rule 202 or 203.