

MAINE STATE LEGISLATURE

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STATE OF MAINE

RULES OF THE HOUSE

DUTIES AND POWERS OF THE SPEAKER

1. It shall be the duty of the Speaker to take the chair at the hour to which the House shall have adjourned, call the members to order, and after the appearance of a quorum, cause the journal of the preceding day to be read;

To announce the business before the House in the order in which it is to be acted upon;

To receive and submit to vote all motions and propositions regularly moved or that necessarily arise in the course of proceedings, and announce the result;

To restrain the members when engaged in debate, within the rules of order, and to enforce on all occasions, the observance of order and decorum among the members;

To decide all questions of order, subject to an appeal to the House;

To receive all messages and other communications and announce them to the House;

To authenticate by his signature bills that have passed to be enacted and resolves finally passed;

To appoint the member who shall take the chair when the House has determined to go into committee of the whole;

To name a member to perform his duties during his absence;

To appoint the members who are to serve on committees; to appoint a Clerk and an Assistant Clerk of the House to fill any vacancy that may occur in said offices while the Legislature is not in session, to serve until the House in session shall elect a Clerk or Assistant Clerk; and to appoint a sergeant at arms, an assistant sergeant at arms, a document clerk, doorkeepers, a courier, and 4 pages, unless the House of Representatives otherwise directs. Such appointments may be rescinded at any time by the Speaker;

To appoint honorary pages.

2. The Speaker may address the House on points of order, in preference to other members; and may vote in all cases.

DUTIES OF THE CLERK

3. The Clerk shall keep a journal of what is done by the House; read papers when required by the House or Speaker; note the answers of members, when the House orders or when a question is taken by yeas and nays; notify committees of their appointment and of the business referred to them; authenticate by his signature all the orders and proceedings of the House not authenticated by the Speaker; have charge of all the documents and papers of every kind confided to the care of the House; bear all messages and transmit all papers from the House to the Governor or to the Senate, unless the House shall otherwise order; make up the payroll of the members; and in the absence of the Speaker at the hour for meeting, shall preside until a Speaker pro tempore be chosen; and

at the close of the session shall file in an orderly manner all papers and documents in possession of the House, passed upon or received during the session; and at the commencement of the next legislature shall preside until the election of the Speaker; and record the doings of the House until a new Clerk shall be chosen and qualified; and in the absence of the Clerk, the Assistant Clerk shall be Clerk pro tempore, with power to appoint an assistant.

CHAPLAINS

4. Every morning the House on assembling shall join with the Chaplains in religious service followed by the National Anthem on the first legislative day of each week.

MONITORS

5. One monitor shall be appointed by the Speaker for each division of the House, whose duty shall be to see to the observance of the rules of the House. If any member shall transgress any of the rules of the House, and persist therein, after being notified thereof by any monitor, it shall be the duty of such monitor to give information thereof to the House.

COMMITTEES

6. The following standing committees shall be appointed at the commencement of the session, whose duty shall be to consider all subjects referred to them and report thereon:

- On Ways and Means,
- On Leave of Absence,
- On Bills in the Second Reading,
- On Engrossed Bills,
- On Elections,

To consist of seven members each;

- On Rules and Business of the House,

To consist of three members and the Speaker ex officio.

7. A member who is absent by leave of the presiding officer and who has notified the presiding officer of his intent to pair his vote may join in voting for or against a measure with another member present at the time of the vote who stands on the opposite side of the question. The vote of the absent member and the member with whom he is paired shall not become part of the total number of votes causing passage or rejection of the measure.

RIGHTS AND DUTIES OF MEMBERS

8. The seat which a member draws at the commencement of the session shall be his during the session, unless he shall have leave of the Speaker to change it and no other person shall be permitted to occupy a member's seat at any time during a session of the House.

9. No member shall sit at the desk of the Speaker or Clerk, except by the permission of the Speaker.

10. When two or more members rise at the same time, the Speaker shall name the person to speak; in other instances, the Speaker shall recognize the member who shall rise first and address the chair.

11. No member shall interrupt another while speaking, except to call to order or correct a mistake; or be allowed to stand up to the interruption of another while any member is speaking, or pass unnecessarily between the Speaker of the House and the person speaking; or stand in an alley, or sit or stand covered, during the session of the House.

12. No member shall speak more than twice to the same question, without first asking leave of the House. When a member of the House of Representatives asks leave to speak a third or more times, any other member objecting to his speaking must stand and be recognized by the Speaker of the House and his objection noted.

13. No member shall speak out of his place without leave from the Chair, nor without first rising and addressing the Speaker; and he shall sit down as soon as he is done speaking.

14. No member shall act as counsel for any party, before a joint committee of the legislature, or a committee of the House.

15. Every member shall make out and deliver to the Clerk or to the Legislative Finance Officer a statement of the number of miles usually travelled in going from his residence to the seat of government.

16. Every member who shall neglect to give his attendance to the House for more than six days after the session commences shall, on making his appearance therein be held to render the reason for such neglect; and in case the reason assigned shall be deemed by the House sufficient, such member shall be entitled to receive pay for his travel, and not otherwise; and no member shall be absent more than two days without leave of the House; and no member shall have such leave, unless it be reported by the Committee on Leave of Absence; and no leave of absence shall avail any member who retains his seat more than five days from the time the same was obtained.

17. Any member having obtained leave of absence, and having in his possession any papers relating to the business before the House, shall leave the same with the Clerk.

18. When any member shall be guilty of a breach of any of the rules and orders of the House and the House has determined that he has so transgressed, he shall not be allowed to vote or speak, unless by way of excuse for the same, until he has made satisfaction.

19. Every member who shall be in the House when a question is put where he is not excluded by interest shall give his vote, unless the presiding officer for reasons shall excuse him, and when yeas and nays are ordered, no member shall leave his seat until the vote is declared; in all elections by the House, or on joint ballot of the two houses, no member shall leave his seat, after voting, before a return of the House is had.

20. When the galleries shall be ordered to be cleared or shut the matter which may occasion such order shall be kept secret by each member, until the House shall order such injunction of secrecy to be taken off.

21. No person not a member or officer of the House, except members of the Senate, its secretary and assistant, the Governor, heads of State departments and bureaus, Justices of the Supreme Judicial Court, Chaplains of the Senate and reporters of the proceedings and debates of the House, shall be admitted within the Representatives' hall, unless invited by some member of the House. While the House is in session only members and officers of the House and officers of the Senate on official business shall be admitted inside the rail, except members of the press, who shall occupy places at the press table, and except guests of the Speaker.

PROCEEDINGS AND DEBATES

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

1st. Senate papers, and first reading of accompanying bills and resolves.

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

3d. Reception of petitions, bills and resolves requiring reference to any committee.

4th. Orders.

5th. Reports of committees and first reading of accompanying bills and resolves.

6th. Consent calendar - First Day.

7th. Consent calendar - Second Day.

8th. Bills and resolves reported by Committee on Bills in the Second Reading, and on their passage to be engrossed.

9th. Bills on their passage to be enacted.

10th. Orders of the day.

The Speaker shall announce each item of business in its turn, and no paper shall be taken up out of its regular order, except by the unanimous consent of the House. No business shall be transacted in the House after the hour of 9:00 p.m. The orders of the day shall take precedence of all other business at the expiration of the morning hour.

23. It shall be the duty of the Clerk to make up daily a calendar of bills, resolves and other papers, assigned for that day's consideration, and also a calendar of bills and resolves which have had their first reading, and showing the disposition that has been made of each.

24. The unfinished business in which the House was engaged at the time of the last adjournment, shall have preference in the orders of the day and shall continue to be among the orders of the day for each succeeding day until disposed of and no motion or other business shall be received, without special leave of the House, until the former is disposed of.

25. When a question is under debate no motion shall be received but -

- 1st. To adjourn.
- 2d. To lay on the table.
- 3d. For the previous question.
- 4th. To commit
- 5th. To postpone to a day certain.
- 6th. To amend.
- 7th. To postpone indefinitely.

which several motions shall have precedence in the order in which they are arranged.

Questions of concurrence or otherwise with the Senate shall have precedence of each other in the following order:

- 1st. To recede.
- 2d. To concur.
- 3d. To insist.
- 4th. To adhere.

26. A motion to adjourn shall always be first in order, and shall be decided without debate.

27. A vote to lay a proposition on the table shall not preclude the further consideration of it on the same day.

27-A. Debate must always have relation to some definite question which is under consideration and it shall be the duty of the Speaker to decide whether or not such debate is relevant.

28. When motion for the previous question is made, the consent of one-third of the members present shall be necessary to authorize the Speaker to entertain it. No debate shall be allowed until the matter of consent is determined. The previous question

shall be submitted in the following words: Shall the main question be put now? No member shall speak more than five minutes on the motion for the previous question, and while that question is pending a motion to lay on the table shall be decided without debate. A call for the yeas and nays, or for division of a question, shall be in order after the main question has been ordered to be put. After the adoption of the previous question, the vote shall be taken forthwith upon amendments, and then upon the main question.

29. In filling blanks and assigning times for the consideration of business, the longest time shall be put first.

30. When a proposition consists of several paragraphs or sections, amendment of one of them shall not preclude amendment of a prior paragraph or section.

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

32. No amendment to a bill or resolve shall be acted upon by the House until the same has been printed or reproduced and distributed to the members under the direction of the Clerk, unless the same shall bear the recommendation of the Committee on Rules and Business of the House that such printing or reproduction be dispensed with; and any amendment not so printed or reproduced or bearing such recommendation, shall lie on the table until printed or reproduced or until said Committee has recommended that such printing or reproduction be dispensed with. All amendments presented or filed with the Clerk for printing or reproduction shall bear the signature of the member presenting or filing the same.

33. After a motion or order is stated or read by the Speaker, it shall be regarded as in the possession of the House, and shall be disposed of by the vote of the House. But any motion or order may be withdrawn by the mover at any time before a decision or amendment, except a motion to reconsider, which shall not be withdrawn except by consent of the House.

34. When a vote having been declared by the Speaker, is doubted, the members for and against the question, when called on by the Speaker, shall vote again without further debate. But a call for the yeas and nays shall be in order at any time before such a vote is made certain and declared.

35. When a motion has once been made and carried in the affirmative or negative, it shall not be in order for any member who voted in the minority to move a reconsideration thereof; but any member who voted with the majority, or in the negative on a tie vote, may move to reconsider on the same or succeeding day. A motion to reconsider shall not be postponed or laid on the table without a certain time assigned for its further consideration. When a motion for reconsideration has been decided the vote shall not be reconsidered. A motion to reconsider shall not be in order more than once on the same question.

36. When a member shall move or give notice of his intention to move, a reconsideration of any vote, the papers to which the motion relates shall remain in possession of the Clerk until the question of reconsideration shall have been decided, or the right to move such a question is lost.

37. In all elections by ballot, of the House, a time shall be assigned for such election, at least one day previous thereto.

38. When the reading of a paper is called for which has been before read to the House, and the same is objected to by any member, the question of reading shall be determined by a vote of the House.

39. Every question of order which shall be decided on appeal shall be entered on the journal of the House with the decision thereon.

40. A proposition to require the opinion of the justices of the Supreme Judicial Court, as provided by the Constitution, shall not be acted upon until the next day after such proposition is made.

41. All petitions, memorials and other papers addressed to the House, and all bills and resolves to be introduced in the House, shall bear the signature of the member or member-elect presenting them and a brief descriptive title and shall be deposited by the member presenting them in a box placed for that purpose in front of the Clerk's desk, unless otherwise provided under the rules. All such petitions, memorials, papers, bills and resolves, which are deposited in said box before one o'clock in the afternoon of each day shall be removed therefrom by the Clerk, and shall be introduced and received in the House on the following day, at which time they shall be presented to the House by the Speaker or such other person as the Speaker may request, and referred to the proper committees, unless the House shall otherwise order.

42. All bills in their Second Reading, and resolves in their Second Reading, shall be committed to the standing Committee on Bills in the Second Reading, to be by them examined and corrected. The director of legislative research shall be the clerk of the Committee on Bills in the Second Reading.

43. All resolves appropriating money or land, shall have their Second Reading on such day subsequent to that of their First Reading as the House may assign.

44. All engrossed bills and resolves shall be committed to the standing Committee on Engrossed Bills to be strictly examined; and if found by them to be truly and strictly engrossed, they shall so report to the House, and the question shall be taken without any further reading, unless on motion of any member, a majority of the House shall be in favor of reading the same as engrossed.

45. Every bill or resolve, providing for the grant of money, land, or other public property, which may be laid on the table by leave, and any report of a grant shall be accompanied by a written statement of facts in each case; and no such bill or resolve shall be considered before such statement is made, or pass without being read on two several days.

46. No new bill or resolve of a public nature shall be received, except it be reported by a committee, unless the House otherwise order, and all bills and resolves not reported by a committee, shall be laid upon the table for one day, before further action thereon.

47. No act or resolve shall be passed affecting the rights of individuals or corporations, without previous notice to such individuals or corporations.

48. No bill shall pass to be engrossed until it shall have had two several readings; the time for the second reading shall be assigned by the House. Every resolve which shall require the approval of the Governor shall have two several readings.

49. Any bill or resolve which bears a unanimous Ought to Pass or ought to pass as amended report by the committee to which it has been referred, upon notification to the House, shall, without further action, be placed by the Clerk upon the special consent calendar and remain there for two legislative days; it shall, at the termination of the said two days, be considered as passed to be engrossed. Upon objection of any member to the placement or retention of any bill or resolve on the consent calendar, such bill or resolve shall cease to be a consent calendar bill. If a bill or resolve is taken from the special consent calendar, the first order of business with respect to it shall be whether to accept the committee report. No bill or resolve shall be placed on the consent calendar that involves a gain or loss of revenue.

50. No engrossed bill or resolve shall be sent to the Senate, without notice thereof being given to the House by the Speaker.

51. When a bill or resolve shall be returned by the Governor with his objections, the question shall be stated by the Chair: Shall this bill become a law notwithstanding the objections of the Governor? and the same in substance in case of a resolve; which question may be postponed to a day within the session, not exceeding one week, or may be committed. But no other question shall apply to bills and resolves originating in either branch.

52. The rules of parliamentary practice comprised in Reed's Rules, or any other standard authority, shall govern the House in all cases in which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and the joint rules of the Senate and House of Representatives.

53. No rule or order of the House shall be dispensed with unless two-thirds of the members present shall consent thereto.

54. No rule or order of the House shall be altered or repealed, nor shall any new standing rule or order be adopted, unless one day's previous notice thereof be given in each case; and such notice shall be entered on the journal.

55. The member of the Penobscot Indian Tribe and the member of the Passamaquoddy Indian Tribe elected to represent their tribes at the biennial session of the Legislature shall be granted seats on the floor of the House of Representatives; be granted, by consent of the Speaker, the privilege of speaking on pending legislation; and be granted such other rights and privileges as may from time to time be voted by the House of Representatives.