

MAINE STATE LEGISLATURE

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Revised

L.D.

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "D" to S.P. 1, "Joint Order to Adopt the Joint Rules"

Amend the Joint Order by striking out all of the first paragraph and inserting in its place the following:

'ORDERED, the House concurring, that the Joint Rules of the 120th Maine Legislature shall be adopted as the Joint Rules of the 121st Maine Legislature, except for the following changes.

Joint Rules 301, 304 and 308 are amended by striking out all of Joint Rules 301, 304 and 308 and inserting in their place the following:

'Rule 301. Joint Standing Committee Responsibilities and Jurisdiction.

Joint standing committees are formed to assist the Legislature in the performance of its constitutional duties and are vested with the general authority granted in the Maine Revised Statutes, Title 3, section 165 and certain other specific authority granted from time to time by the Legislature. The responsibilities of joint standing committees include, but are not limited to:

1. **Pending Legislation.** Considering and reporting to both chambers on legislation pending before the Legislature;

2. **Budget and Fiscal Policy Issues.** Reviewing and making recommendations on budgeting and fiscal policy issues concerning State Government;

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2 **3. Actions of Departments and Agencies.** Conducting
oversight and review of the actions of departments and agencies
4 of State Government, including, but not limited to, review of
agency rules under Title 5, chapter 375, subchapters 2 and 2-A
6 and agency evaluations under the State Government Evaluation Act;

8 **4. Gubernatorial Appointments.** Reviewing and making
recommendations on gubernatorial appointments that require
10 legislative confirmation under Title 3, chapter 6; and

12 **5. Other Tasks.** Performing other tasks assigned to them,
including, but not limited to, reviewing specific provisions of
14 law, conducting studies on assigned topics, issuing reports on
policy and legal issues of interest to the Legislature, reporting
16 out specific legislation pursuant to joint order and authorizing
the annual budgets of certain counties.

18 There are 17 joint standing committees, which must be
20 appointed at the commencement of the first regular session and
which exercise jurisdiction in the following areas:

- 22 Agriculture, conservation and forestry
- 24 Appropriations and financial affairs
- Criminal justice and public safety
- 26 Education and cultural affairs
- Health and human services
- 28 Inland fisheries and wildlife
- Insurance and financial services
- 30 Judiciary
- Labor
- 32 Legal and veterans affairs
- Marine resources
- 34 Natural resources
- Research, development and business affairs
- 36 State and local government
- Taxation
- 38 Transportation
- Utilities and energy

40 **Rule 304. Procedures for Public Hearings and Work Sessions.**

42 At the beginning of each legislative biennium, all
44 committees shall adopt procedures that govern public hearings,
work sessions and confirmation hearings, which shall include the
46 order in which testimony will be heard. Copies of the procedures
must be sent to the presiding officers, the Secretary of the
48 Senate, the Clerk of the House and the Executive Director of the
Legislative Council upon adoption and must be posted and made
50 available upon request at all public hearings and work sessions.

R.O.S.

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

6
7 The presiding chair shall decide all questions of order,
8 subject to appeal to the committee. The chair's ruling stands
9 unless overruled by a majority vote of the committee membership.

10
11 Scheduling of bills to be considered in public hearings and
12 work sessions must be arranged by the Senate chair with the
13 agreement of the House chair; if agreement is not reached, the
14 committee shall decide by majority vote of the membership.

15 At public hearings, the chair may limit testimony as
16 necessary for the orderly conduct of the hearing. Members may
17 question witnesses to clarify testimony and to elicit helpful and
18 pertinent information. While aggressive and probing questions
19 may sometimes be appropriate, members shall exhibit respect for
20 the witnesses and for one another. Members shall refrain from
21 interrogation that is argumentative, oppressive, repetitive or
22 unnecessarily embarrassing to hearing participants. Advocacy and
23 discussion among members are not appropriate at public hearings.
24 A committee member who is the primary sponsor of a bill and any
25 member who testifies for or against the bill should ordinarily
26 refrain from questioning other witnesses.

27
28 **Rule 308. Reference of Bills to Committee.**

29
30 All bills and resolves must be referred to committee, except
31 that this provision may be suspended by a majority vote in each
32 chamber.

33
34 **1. Legislature in Session.** When the Legislature is in
35 session, the Secretary of the Senate and the Clerk of the House
36 shall jointly suggest an appropriate committee reference for
37 every bill, resolve and petition offered. The suggested
38 reference must be placed upon the Advance Journal and Calendar of
39 each chamber. If they are unable to agree, the question of
40 reference must be referred to a conference of the President of
41 the Senate and the Speaker of the House. Upon their agreement,
42 the suggested reference must be placed upon the Advance Journal
43 and Calendar of each chamber. If they are unable to agree, the
44 question of suggested reference must be referred to the
45 Legislative Council for resolution. Upon the decision of the
46 Legislative Council, the suggested reference must be placed upon
47 the Advance Journal and Calendar of each chamber.
48

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Each suggested reference appearing upon the Advance Journal and Calendar of each chamber must contain a recommendation for the printing of the document being referred and may contain a recommendation on the number of copies of that document to be printed.

Any member may move for reconsideration of a committee reference on the floor. Notwithstanding Joint Rule 103, a majority vote is necessary to overturn the original committee of reference.

2. **Legislature Not in Session.** When the Legislature is not in session or is in recess for more than 4 days, the Secretary of the Senate and Clerk of the House may refer the bills to the appropriate joint standing committee for public hearing and order printing, subject to the approval of the President of the Senate and the Speaker of the House.

3. **Reference to More Than One Committee.** When a bill or resolve has a subject matter that falls within the jurisdiction of more than one committee, suggested references may be made and the full Legislature may vote to refer a bill or resolve to more than one committee. When references are made to more than one committee, the first named committee is responsible for the scheduling and conduct of all public hearings, subject to approval of the chairs of the other committee or committees. Committees to whom a bill or resolve is referred pursuant to this rule shall participate equally in all public hearings and work sessions and shall make a joint report or joint reports. The public hearing or hearings and work session or work sessions must be conducted jointly by both committees. The chairs of the committees involved shall establish the process for conduct of the work session or work sessions on the bill. If the chairs are unable to agree, the presiding officers shall establish the process. The work session process must provide for balanced representation for each committee. The report or reports on a jointly referred bill is as voted by the full membership of each committee, except that if a member serves on more than one committee to whom a bill or resolve is referred, that member may cast only one vote.' '

SUMMARY

This amendment accomplishes the following.

1. It establishes the jurisdiction and the names of the joint standing committees formerly known as "Banking and Insurance," "Business and Economic Development" and "Criminal Justice" as "Insurance and Financial Services," "Research,

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Development and Business Affairs" and "Criminal Justice and Public Safety," respectively.

2. It requires that, when the joint standing committees adopt committee rules, the committee adopt a procedure for the order for speakers testifying before the committee.

3. It requires when 2 committees are jointly referred a bill, those 2 committees be required to meet in joint work sessions.

SPONSORED BY:

(Representative O'NEIL)

TOWN: Saco