

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL
Tuesday, February 6, 1996

REVISED AGENDA

CALL TO ORDER

ROLL CALL

**SUMMARIES OF JANUARY 17 COUNCIL MEETING AND
JANUARY 24 WORK SESSION**

EXECUTIVE DIRECTOR'S REPORT

Item #1: Retirement of Theresa Coughlin, Senior Secretary,
Office of Fiscal and Program Review (Letter enclosed).

REPORTS FROM COUNCIL COMMITTEES

Committee on Total Quality Management in the Legislature and
Subcommittee on Rules

- Proposed Recodification of Joint Rules: Review of Revised Language
- Letter from Senator Harriman and Representative Kontos, Chairs, TQM

OLD BUSINESS

Item #1: Commission on Higher Education Governance: Progress Report

NEW BUSINESS

Item #1: After Deadline Requests

Item #2: Northern New England Passenger Rail Authority:
Submission of First Annual Report

Item #3: A Review of State Dam Abandonment and Registration Laws and Federal Dam Licensing Laws: Final Report. Staff Study Conducted for the Natural Resources Committee under the auspices of the Legislative Council.

Item #4: Final Report from Study Committee on Commercial Driver
Training (pursuant to P.L. 1995, Chapter 376)

Item #5: Judicial Compensation Commission: Request for
Extension of Reporting Deadline.

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

SEN. JANE A. AMERO
CHAIR

REP. ELIZABETH H. MITCHELL
VICE-CHAIR

Lynn Randall
Legislative Council Info.

SEN. JEFFREY H. BUTLAND
SEN. R. LEO KIEFFER
SEN. MARK W. LAWRENCE
SEN. BEVERLY MINER BUSTIN
REP. DAN A. GWADOSKY
REP. PAUL F. JACQUES
REP. WALTER E. WHITCOMB
REP. JOSEPH G. CARLETON, JR.

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

117th MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

MEETING SUMMARY

January 17, 1996

Approved February 6, 1996

CALL TO ORDER

The Chair, Senator Amero, called the Council to order at 9:45 a.m. in the Legislative Council Chamber.

ROLL CALL

Senators:	Sen. Lawrence, Sen. Kieffer, Sen. Bustin, Sen. Amero Absent: President Butland
Representatives:	Speaker Gwadosky, Rep. Jacques, Rep. Whitcomb, Rep. Mitchell, Rep. Carleton
Legislative Officers:	Sally Tubbesing, Executive Director, Legislative Council Lynn Randall, State Law Librarian John Wakefield, Director, Office of Fiscal and Program Review David Boulter, Director, Office of Policy and Legal Analysis Margaret Matheson, Revisor of Statutes May Ross, Secretary of the Senate Joseph Mayo, Clerk of the House

DECEMBER 5 COUNCIL MEETING

Motion: That the Meeting Summary be approved. (Motion by Rep. Jacques; second by Sen. Lawrence; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing drew Council members' attention to the following items:

Item #1: Personnel Changes

Ms. Tubbesing reported that the following individuals had been hired pursuant to the Council's prior authorization to fill vacant positions on the non-partisan staff:

Office of the Revisor

Hilayne Cavanaugh, Legal Proofreader/session
Thomas Downey, Legal Proofreader
Sarah McSorley, Legal Proofreader/session

Office of Policy & Legal Analysis

Jon Kachmar, Researcher
Kathleen Norris, Secretary/session

No Council action was required on this item.

Item #2: Retirement of Germaine Longley

Ms. Tubbesing announced that Germaine Longley had announced her decision to retire from the legislative staff, effective January 19, after a career in state government of more than 37 years, the last 20 of which had been in the Legislature.

Sen. Amero expressed the Council's appreciation for Mrs. Longley's long service, and asked that the Council's gratitude be conveyed to her.

No formal Council action was required.

Item #3: Bill Drafting: Status Report

At Ms. Tubbesing's suggestion, the Chair, Sen. Amero, recognized Margaret Matheson, Revisor of Statutes, who reported that her office had completed the initial drafting of all bills that had been authorized for introduction to date. She noted that her office was working on changes to a small number of bills, as requested by sponsors, and that the office retained custody of approximately 30 bills pending sponsor/cosponsor signature.

Ms. Tubbesing then drew Council members' attention to the Report of Bills in Committee, observing that the majority of bills had been referred and that Committees had embarked upon their work for the Second Regular Session.

This item required no action by the Council.

Item #4: Interim Study Committees & Commissions: Status

Ms. Tubbesing drew Council members' attention to a Status Report for the statutory study commissions that had been active during the 1995 interim. The Report included information regarding the status of each commission's final report and of its total expenditures to date. She pointed out that three of the Commissions had requested that the Council authorize extensions of their reporting deadlines, an action which would require introduction of legislation in each of the cases.

Motion: That the Council authorize extending the statutory reporting deadline for the **Task Force on Tax Increment Financing** to January 31, 1996. (Motion by Rep. Mitchell; second by Speaker Gwadosky; unanimous).

Motion: That the Council authorize extending the statutory reporting deadline for the **Commission on Higher Education Governance** to March 1, 1996 and that the Commission be requested to revise its schedule to conform to this deadline. (Motion by Rep. Mitchell; second by Rep. Jacques).

Discussion: Rep. Mitchell, noting that the Commission had requested an extension until June 30, expressed her concern that the Legislature would not be in session on June 30 and that her motion to set a March 1 reporting date would assure that this Legislature could respond to the recommendations. Sen. Kieffer asked if the schedule could be compressed.

The vote was taken and the motion was approved **unanimously**.

Motion: That the Council authorize extending the statutory reporting deadline for the **Commission to Study Biotechnology & Genetic Engineering** from November 1, 1995, to February 15 of this year. (Motion by Rep. Jacques; second by Sen. Kieffer; unanimous).

REPORTS FROM COUNCIL COMMITTEES

Committee on Total Quality Management in the Legislature

Sally Tubbesing stated that Representative Carol Kontos, House Chair of the TQM Committee, had a scheduling conflict that prevented her from being available to present the first product of the efforts of the TQM Committee and the TQM Subcommittee on Rules -- a proposed recodification of the Legislature's Joint Rules. (Copies of the proposed recodification were distributed to members subsequently). She conveyed the two committees' recommendation that the Council schedule a working session in the near future to go over the proposed changes.

Speaker Gwadosky acknowledged the enormous amount of time and energy that members of both committees had devoted to this effort and endorsed scheduling a special meeting of the Council to review the proposed recodification.

The Council took no action on this item at this time; however, Sen. Amero indicated that she and Rep. Mitchell would try to schedule a meeting of the Council within the next week for the purpose of reviewing the proposed recodification.

OLD BUSINESS

None.

NEW BUSINESS

Item #1: Submission of Reports

- Loring Development Authority of Maine: Annual Report, pursuant to MRSA § 13080
- Study Commission on Property Rights and the Public Health, Safety and Welfare (Resolves of 1995, ch. 45)
- Commission to Study Trespass Laws (Resolves of 1995, ch. 53)
- Task Force to Study the Operations of the Department of Inland Fisheries and Wildlife (P.L. 1995, ch. 455)
- Task Force to Review the Beverage Container Law (Resolves of 1995, ch. 52)
- Work Group on Electric Industry Restructuring (Resolves of 1995, ch. 48)

Motion: That each of the reports be accepted and placed on file and that a letter be sent to each commission expressing the Council's appreciation for the Commission's work and their timeliness. (Motion by Rep. Mitchell; second by Rep. Jacques; unanimous).

Item #2: Task Force on Learning Results: Presentation of Major Findings and Discussion

Senator Amero recognized Marjorie Medd, Chair of the Task Force and thanked her for appearing. Ms. Medd, who also chairs the State Board of Education, proceeded to trace the emergence of the Task Force on Learning Results, from the federal "Goals 2000 Project" in the late 1980's, through a series of Maine-based initiatives that brought the education and business communities together to discuss the reform of education in Maine.

Ms. Medd reported that the Task Force had developed "Guiding Principles", as well as "Content Standards," which define "what we want our kids to know and to be able to do." The Report is designed to provide a foundation for systemic change in education, so that all students are prepared, not just some.

Ms. Medd stated that the Task Force's Report has been accepted by the State Board of Education; and the State Board is currently in the process of a) identifying essential services and essential programming; b) looking at school consolidation; and c) working with both the Department of Education and the Board of Higher Education to look at 8 pilot projects in teacher education. She briefly described some of the initiatives which the Task Force felt were critical to the achievement of their goals.

Senator Amero expressed her appreciation for Ms. Medd's presentation and for the leadership she had provided to the very significant achievement that the Task Force's report represents.

Item #3: After Deadline Requests

After deadline requests were considered by the Legislative Council. The Council's action on these requests is included on the attached list.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 11:35 a.m. (Motion by Sen. Lawrence; second by Rep. Jacques).

**LEGISLATIVE COUNCIL
ACTION ON REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
January 17, 1996**

	Action
SPONSOR: Rep. Carr, Ralph T.	ACCEPTED
LR 2989 An Act Authorizing Officers of Closely-held Corporations to Represent those Corporations Before any Court	
SPONSOR: Rep. Clark, Herbert E.	WITHDRAWN
LR 2919 An Act to Limit State Stocking of Fish in Inland Waters to Those Waters That Have Free Public Access	
SPONSOR: Rep. Clark, Herbert E.	WITHDRAWN
LR 2920 An Act to Prohibit the Transfer or Purchase of Public Lands Unless Free, Public Noncommercial Access is Guaranteed	
SPONSOR: Rep. Clark, Herbert E.	WITHDRAWN
LR 2921 An Act to Amend the Laws Regarding Moose Hunting Season	
SPONSOR: Rep. Clark, Herbert E.	WITHDRAWN
LR 2922 An Act to Require that Every Legislative Idea Regarding Fish and Game Laws Be Placed in a Separate Legislative Document	
SPONSOR: Rep. Clark, Herbert E.	WITHDRAWN
LR 2923 An Act to Require Legislative Approval for the Destruction of a Bridge, Road or Structure in Baxter State Park	
SPONSOR: Rep. Clark, Herbert E.	WITHDRAWN
LR 2924 An Act to Amend the Laws Regarding Hunting from a Paved Way	

SPONSOR:	Rep. Clark, Herbert E.	WITHDRAWN
LR 2925	An Act to Require the Land Use Regulation Commission to Install and Maintain Certain Pond Gates	
SPONSOR:	Rep. Clark, Herbert E.	WITHDRAWN
LR 2936	An Act to Allow People Who Rent Snowmobiles to Purchase Insurance	
SPONSOR:	Rep. Clark, Herbert E.	WITHDRAWN
LR 2971	An Act to Create the Penobscot County Budget Committee	
SPONSOR:	Rep. Clark, Herbert E.	ACCEPTED
LR 3027	An Act Regarding Municipal Penalties for Late Filing Under the Maine Tree Growth Tax Law	
SPONSOR:	Rep. Farnum, Wesley	ACCEPTED
LR 3022	An Act to Amend the Boundary Between Berwick and South Berwick	
SPONSOR:	Rep. Greenlaw, Ernest C.	ACCEPTED
LR 2927	An Act to Require a Municipality to Issue the Same Number of Nonresident Shellfish Conservation Licenses as Resident Licenses	
SPONSOR:	Rep. Guerrette, William	ACCEPTED
LR 3001	Resolve, to Authorize the Exchange of a Parcel of Land Owned by the State with One Owned by Luke Bolduc	
SPONSOR:	Rep. Joy, Henry L.	WITHDRAWN
LR 2986	Resolve, to Grant a One-time Extension of Time to the Town of Patten to File its 1995 Tree Growth Return	
SPONSOR:	Sen. Lawrence, Mark W.	ACCEPTED
LR 3011	An Act to Create Uniformity in the Granting of Electric and Gas Utility Easements	
SPONSOR:	Sen. Lawrence, Mark W.	ACCEPTED
LR 3019	An Act to Expand Eligibility for Unemployment Compensation to Include All Individuals Engaged in Fishing	

SPONSOR:	Sen. Lord, Willis A.	ACCEPTED
LR 2984	An Act to Restrict the Spreading of Sludge	
SPONSOR:	Rep. Lumbra, Lisa	ACCEPTED
LR 2991	An Act to Restrict the Naming of Schools	
SPONSOR:	Sen. Mills, S. Peter	ACCEPTED
LR 3020	An Act to Amend the Charter of the Somerset Woods Trustees in Order to Qualify as a Charitable Corporation under Internal Revenue Service Rules	
SPONSOR:	Sen. Mills, S. Peter	ACCEPTED
LR 3021	An Act to Establish the Boundary Line Between the Town of Cornville and the Towns of Solon and Athens	
SPONSOR:	Rep. Mitchell, Elizabeth H.	WITHDRAWN
LR 2994	An Act to Combine the Department of Human Services and the Department of Mental Health and Mental Retardation	
SPONSOR:	Sen. Pingree, Rochelle M.	ACCEPTED
LR 3026	An Act to Authorize the Maine Photographic Workshops to Grant Degrees	
SPONSOR:	Sen. Ruhlin, Richard P.	ACCEPTED
LR 2957	An Act to Improve the Hancock County Budget Procedure	
SPONSOR:	Rep. Stedman, Vaughn A.	ACCEPTED
LR 2956	An Act to Exempt Working Rural Mail Carriers from the Seat Belt Law	
SPONSOR:	Rep. Stone, Richard I.	ACCEPTED
LR 3025	An Act to Amend the Definition of Outdoor Stadium in the Liquor Licensing Laws	

JOINT RESOLUTIONS

SPONSOR: Rep. Clark, Herbert E.

ACCEPTED

**LR 3003 JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE
CONGRESS OF THE UNITED STATES TO SUPPORT FULL PARTICIPATION
BY THE REPUBLIC OF CHINA ON TAIWAN IN THE UNITED NATIONS**

SPONSOR: Rep. Mitchell, Elizabeth H.

ACCEPTED

**LR 2982 JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE
UNITED STATES TO ENACT AMENDMENTS TO THE EMPLOYEE
RETIREMENT AND INCOME SECURITY ACT**

SPONSOR: Rep. Wheeler, Edgar M.

ACCEPTED

**LR 2981 JOINT RESOLUTION MEMORIALIZING THE MAINE CONGRESSIONAL
DELEGATION TO INSIST THAT THE UNITED STATES SECRETARY OF
AGRICULTURE INTENSIFY INSPECTIONS OF CANADIAN POTATO
SHIPMENTS ALONG MAINE'S BORDER AND FURTHER INVESTIGATE
CURRENT SUBSIDIES OF THE CANADIAN POTATO INDUSTRY**

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Rep. Fitzpatrick, Michael J.	TABLED 10/22/95
LR 2917	An Act to Promote Hunting in the State by Persons With Mobility Impairment or Dexterity Impairment (Similar to LR 2786 - Sp. Ault)	
SPONSOR:	Rep. Gates, Gordon P.	TABLED 11/09/95
LR 2929	An Act to Remove Megunticook Lake as a Source of Water Supply	
SPONSOR:	Rep. Gerry, Belinda A.	TABLED 12/05/95
LR 2963	An Act Regarding Low-Income Home Energy Assistance and Food Stamps	RETABLED 01/17/96
SPONSOR:	Sen. Hanley, Dana C.	TABLED 01/17/96
LR 2987	An Act to Clarify the Definition of Commercial Whitewater Outfitter	
SPONSOR:	Sen. Hathaway, W. John	TABLED 01/17/96
LR 3029	An Act to Provide A Statute of Limitations for Tax Filing	
SPONSOR:	Rep. Mitchell, Elizabeth H.	TABLED 01/17/96
LR 2993	An Act to Create the Viatical Settlement Act	
SPONSOR:	Sen. O'Dea, John J.	TABLED 12/05/95
LR 2964	An Act to Allow a Change in the Speed Limit on Certain Highways	
SPONSOR:	Sen. Ruhlin, Richard P.	TABLED 10/30/95
LR 2916	An Act to Amend Certain Provisions of the Act Creating the Atlantic Salmon Authority	RETABLED 01/17/96
SPONSOR:	Rep. Townsend, Elizabeth	TABLED 10/22/95
LR 2926	An Act to Protect the Well Being of Maine's Elderly	
SPONSOR:	Rep. Wheeler, Edgar M.	TABLED 01/17/96
LR 3023	An Act to Repeal the 24-Hour Limit on Holding Juveniles	

SEN. JANE A. AMERO
CHAIR

REP. ELIZABETH H. MITCHELL
VICE-CHAIR



SEN. JEFFREY H. BUTLAND
SEN. R. LEO KIEFFER
SEN. MARK W. LAWRENCE
SEN. BEVERLY MINER BUSTIN
REP. DAN A. GWADOSKY
REP. PAUL F. JACQUES
REP. WALTER E. WHITCOMB
REP. JOSEPH G. CARLETON, JR.

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

117th MAINE STATE LEGISLATURE

LEGISLATIVE COUNCIL

WORK SESSION

January 24, 1996

SUMMARY

Approved February 6, 1996

CALL TO ORDER

The Chair, Sen. Amero, called the Council to order at 11:25 a.m. in Room 437. Sen. Amero reminded Council members that the meeting had originally been scheduled as a work session and suggested that the Council not take up any other business.

ROLL CALL

Senators:	President Butland, Sen. Lawrence, Sen. Kieffer, Sen. Bustin, Sen. Amero
Representatives:	Speaker Gwadosky, Rep. Whitcomb, Rep. Mitchell, Rep. Carleton Absent: Rep. Jacques
Legislative Officers:	Sally Tubbesing, Executive Director, Legislative Council Lynn Randall, State Law Librarian David Boulter, Director, Office of Policy and Legal Analysis* Margaret Matheson, Revisor of Statutes May Ross, Secretary of the Senate* Joseph Mayo, Clerk of the House*
Guests:	

Members of Committee on Total Quality Management in the Legislature: Rep. Carol A. Kontos, Chair; Sen. I. Joel Abromson; Donna Sullivan, OFPR.

Members of the TQM Subcommittee on Rules: Sen. Richard J. Carey, Senate Chair; Rep. Gary W. Reed, House Chair; Rep. Richard H. Thompson; Rep. Brenda Birney; David Elliott, OPLA; Judy Hayes, Revisor's Office; Teen Griffin, Legislative Information Office.

* Also members of the TQM Committee and/or Subcommittee on Rules.

NEW BUSINESS

Item #1: Commission on Higher Education Governance: Request to Reconsider Commission Scope and Schedule

The Chair, Sen. Amero, recognized Rep. Mitchell, who had requested that this item be placed on the agenda. Rep. Mitchell recognized 4 members of the Commission who were present and thanked them for their hard work on behalf of the Commission. She reported that the Commission wished to propose that the Council accept a report on some aspects of their work by the March 1 deadline that the Council had approved at its previous meeting, but allow them to continue their work through June 30 as they had originally requested. Rep. Mitchell then stated that the Joint Standing Committee on Education had requested that the Council table this item until the members of that Committee had had an opportunity to review the Commission's proposed scope of work.

Motion: That the item be tabled. (Motion by Rep. Carleton; second by Sen. Kieffer; unanimous).

REPORTS FROM COUNCIL COMMITTEES

Committee on Total Quality Management in the Legislature and Subcommittee on Rules

- **Proposed Recodification of Joint Rules: Presentation and Discussion**

The Chair, Sen. Amero, drew members' attention to the primary purpose of the work session -- reviewing the proposed recodification of the Joint Rules. She stated that several members of both the TQM Committee and the Subcommittee on Rules were present and expressed appreciation, on behalf of the entire Council, for the time and effort that both Committees had devoted to this significant undertaking.

Sen. Amero then recognized Representative Carol Kontos, the Co-Chair of the Committee on Total Quality Management in the Legislature. Rep. Kontos introduced the members of the 2 Committees who were present and paid special tribute to the Subcommittee on Rules, which had worked under a very tight time frame so that the proposed recodification could be ready early in the session, thus offering opportunity for a full dialogue among the entire membership. Rep. Kontos then turned the meeting over to Sen. Carey and Rep. Reed, Co-Chairs of the Subcommittee on Rules. Senator Carey expressed his appreciation to the Council for having appointed two strong committees, noting that all members of the Subcommittee had participated fully in the deliberations. He specifically recognized the efforts of David Elliott, Principal Analyst in OPLA, and Judy Hayes, Paralegal in the Office of the Revisor, who as members of the Subcommittee, had

also taken responsibility for all of the drafting and redrafting that had been central to the Subcommittee's work. Sen. Carey observed that both Mr. Elliott and Ms. Hayes attested to the capabilities of the Legislature's non-partisan staff. Finally, Sen. Carey thanked the Council for giving the Subcommittee the freedom to look at all of the Rules "without interference." Representative Reed echoed Sen. Carey's comments, adding that he appreciated the privilege of being given the task of recodifying the rules. He concluded by noting that "the Subcommittee meetings had been fun."

Sen. Carey and Rep. Reed then asked David Elliott to lead Council members through the proposed Recodification.

The presentation was accompanied by a free-flowing discussion among Council members and the members of the two committees, and resulted in consensus that the Subcommittee would review the proposed language in three areas and present amended language to the Council at its next meeting.

Rep. Reed concluded the presentation by acknowledging the Subcommittee's special debt to the Secretary of the Senate and the Clerk of the House for sharing their broad knowledge of current practice.

Sen. Amero again thanked both Committees and then raised the question of how to proceed from here. Consensus emerged that once the Subcommittee had presented the requested revisions, the Council would vote on formal adoption of the rules. Senate President Butland and Speaker Gwadosky agreed to schedule a joint caucus so that there would be a single presentation of the Recodification to members of both bodies and both parties.

The work session was adjourned at 12:15 p.m.



MAINE STATE LEGISLATURE
Augusta, Maine 04333

COMMITTEE ON TOTAL QUALITY MANAGEMENT
IN THE LEGISLATURE

February 6, 1996

Honorable Jane A. Amero, Chair
Honorable Elizabeth H. Mitchell, Vice-Chair
and Members of the Legislative Council
117th Maine Legislature
Augusta, Maine 04333

Dear Senator Amero, Representative Mitchell and Members of
the Council:

As we move collaboratively with you to present the proposed Recodification of the Joint Rules to our colleagues in the 117th Legislature, we wanted to also present two recommendations that have emerged from the TQM Committee's work over the past few months.

The TQM Committee began work last fall and, consistent with the total quality management process, developed a list of potential issues for work. We then engaged in a priority setting process in an effort to focus our time and resources effectively. Four topics emerged from this ranking; and they are, as ranked: 1) Fiscal Notes; 2) Prioritizing Issues; 3) Evaluating the Committee Process; and 4) Concept Drafting. Our work to date has concentrated on two of these areas: Fiscal Notes and Concept Drafting. The recommendations we present here have both emerged from our work on fiscal notes.

Fiscal Notes

The TQM Committee and the TQM Subcommittee on Rules, which also had a high interest in this subject, met jointly last October for a presentation from John Wakefield and Grant Pennoyer. The excellent presentation and ensuing discussion cleared up many of the questions and concerns that members had. The Office of Fiscal and Program Review has also developed a Fiscal Note Manual, copies of which were distributed to you in early January; and this, too, represents another important orientation tool.

Honorable Jane A. Amero, Chair
Honorable Elizabeth H. Mitchell, Vice-Chair
and Members of the Legislative Council
February 6, 1996
Page Two

Two of the recommendations which came out of our discussion require specific Council action. We bring them to you in advance of a full report of our work to date, because they both offer opportunities to speed the process and to achieve cost savings for the balance of the current session. These are:

- 1. Make the statutory requirements for Correctional Impact Statement consistent with the current requirements for Judicial Impact Statements.**

Currently, Judicial Impact Statements are prepared by the Judicial Department for the Office of Fiscal and Program Review's consideration for inclusion in the fiscal note. This avoids both confusion and duplication in the information provided on the bill. The Correctional Impact Statement, in contrast, is currently written by the Department of Corrections, submitted directly to the Committee, and must be included in the Committee's report. The fiscal note is entirely separate; it may duplicate information that appears in the Correctional Impact Statement; and it may, in fact, conflict with that statement, depending on what the Correctional Impact Statement.

After lengthy discussion, members of the Committee are confident that making the recommended change will eliminate some duplicative information, without diminishing the quality of information available to legislators, and result in reduction in printing costs for some amendments.

- 2. Eliminate the practice of printing fiscal notes as separate amendments for bills reported out by committee with no other amendments, provided that there is only a minor cost or savings. This would include fiscal notes that indicate "costs absorbed".**

Currently, every bill reported favorably out of Committee contains a fiscal note, which is printed as an amendment even if there are no other amendments. This not only represents a cost, but it slows the movement of these bills from committee to the floor.

The TQM Committee has endeavored to balance issues related to the quality of information available with issues of cost and timeliness and presents this recommendation with the provision that the Statement of Fiscal Impact would still be distributed to all members of the Committee of jurisdiction, the bill sponsor, and the presiding officers. This is current practice and assures the availability of information both at the committee level and on the floor of the two legislative chambers.

Honorable Jane A. Amero, Chair
Honorable Elizabeth H. Mitchell, Vice-Chair
and Members of the Legislative Council
February 6, 1996
Page Three

On behalf of the entire TQM Committee, we encourage your support of these recommendations, which we think will help smooth the process without compromising the quality of information of the participants. Again, we plan to resume our work on other issues following adjournment sine die and look forward to continuing to share the results of that work with you.

Sincerely,

Philip E. Harriman &

Philip E. Harriman
Senate Chair

Carol A. Kontos

Carol A. Kontos
House Chair

cc: Members of the Committee on Total Quality Management
in the Legislature

34A § 1402. Duties

9. **Statement of correctional system impact.** The commissioner shall prepare statements pertaining to the impact that proposed legislation has upon correctional system resources, including the cost that the correctional system would bear. For purposes of this subsection, the correctional system includes correctional facilities and services operated or funded by the State or by any county government. The statements must be furnished to the appropriate committee of the Legislature for the information of its members and for inclusion in bills that receive an "ought to pass" report when reported by the committee. A statement is not required for any legislation that has no impact upon the correctional system.

(TITLE 4)
(JUDICIARY)

4 § 17. Duties of State Court Administrator

17. **Statement of fiscal effect on judicial system.** Apply the following requirements when the State Court Administrator prepares statements pertaining to the impact that executive orders and proposed legislation have upon judicial system resources, including the cost or savings to the judicial system.

A. The State Court Administrator shall furnish the statements to the legislative staff office designated to collect and assemble fiscal information for use of legislative committees under Title 3, section 163-A, subsection 10 and to:

(1) The Governor for judicial impact statements on executive orders; and

(2) The appropriate committee of the Legislature for the information of its members for proposed legislation.

B. The statement on a particular executive order prepared by the State Court Administrator must be included in the executive order if the executive order has a fiscal impact on the judicial system, as determined by the State Court Administrator.

C. The statement on proposed legislation prepared by the State Court Administrator must be considered in the preparation of the fiscal note included in a committee amendment or other amendment if the legislation or amendment has a fiscal impact on the judicial system, as determined by the State Court Administrator.

Amend the bill by inserting at the end before the statement
of fact the following:

' FISCAL NOTE

This bill will increase the fee for processing excise tax
collections by individual agents to the same amount allowed to be
charged by municipalities that act as collection agents. This
fee increase may result in slight reductions of dedicated revenue
to the Unorganized Territory Education and Services Fund,
reducing funding to certain counties by minor amounts. Since
this is an excise tax issue and not a new property tax exemption,
no reimbursement is required by the State.'

STATEMENT OF FACT

The amendment adds a fiscal note to the bill.

LEGISLATIVE COUNCIL

Sen. Jane A. Amero
Chair

Rep. Elizabeth H. Mitchell
Vice-chair



Sen. Jeffrey H. Butland
Sen. R. Leo Kieffer
Sen. Mark W. Lawrence
Sen. Beverly Miner Bustin
Rep. Dan A. Gwadosky
Rep. Paul F. Jacques
Rep. Walter E. Whitcomb
Rep. Joseph G. Carleton, Jr.

PRELIMINARY REPORT 117th Maine Legislature Committee on Total Quality Management in the Legislature

Committee membership

Senator Philip E. Harriman, Senate Chair
Representative Carol A. Kontos, House Chair

Senator I. Joel Abromson
Senator Anne M. Rand
Senator Susan W. Longley
Representative Paul Chartrand
Representative Thomas M. Davidson
Representative Debra D. Plowman
Representative Gary W. Reed
Representative Burchard A. Dunn
Secretary May M. Ross
Clerk Joseph W. Mayo
David Boulter, Director, OPLA
Ed Charbonneau, Office of the Revisor
Donna Sullivan, Fiscal & Program Review

Staff:

Sarah C. Tubbesing, Executive Director
Marion Hylan Barr, OPLA

Subcommittee on Rules membership

Senator Richard J. Carey, Senate Chair
Representative Gary W. Reed, House Chair

Senator John W. Benoit
Senator S. Peter Mills
Senator Richard P. Ruhlin
Representative Sharon Anglin Treat
Representative Kyle W. Jones
Representative Richard H. Thompson
Representative Brenda Birney
Representative Michael J. McAlevey
Secretary May M. Ross
Clerk Joseph W. Mayo
David Elliott, OPLA
Judy Hayes, Office of the Revisor
Teen Griffin, Legislative Information

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PRELIMINARY REPORT
117th Maine Legislature
Committee on Total Quality Management in the Legislature
Subcommittee on Rules

Committee membership

Senator Philip E. Harriman, Senate Chair
Representative Carol A. Kontos, House Chair

Senator I. Joel Abromson
Senator Anne M. Rand
Senator Susan W. Longley
Representative Paul Chartrand
Representative Thomas M. Davidson
Representative Debra D. Plowman
Representative Gary W. Reed
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Secretary May M. Ross
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David Boulter, Director, OPLA
Ed Charbonneau, Office of the Revisor
Donna Sullivan, Fiscal & Program Review

Staff:

Sarah C. Tubbesing, Executive Director
Marion Hylan Barr, OPLA

Subcommittee membership

Senator Richard J. Carey, Senate Chair
Representative Gary W. Reed, House Chair

Senator John W. Benoit
Senator S. Peter Mills
Senator Richard P. Ruhlin
Representative Sharon Anglin Treat
Representative Kyle W. Jones
Representative Richard H. Thompson
Representative Brenda Birney
Representative Michael J. McAlevey
Secretary May M. Ross
Clerk Joseph W. Mayo
David Elliott, OPLA
Judy Hayes, Office of the Revisor
Teen Griffin, Legislative Information

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**REPORT OF THE
SUBCOMMITTEE ON LEGISLATIVE RULES
OF THE
LEGISLATIVE TQM COMMITTEE
JANUARY 5 and 12, 1996**

SUMMARY

The Subcommittee on Legislative Rules of the Legislature's Committee on Total Quality Management conducted a comprehensive review of the Legislative Joint Rules during the fall of 1995. As a result of its review, the subcommittee recommends revisions in the Joint Rules to (1) recodify current rules and (2) make certain substantive changes in the rules.

Recodification changes consist of various drafting revisions to current Joint Rules to:

- Reorganize the structure of the rules to make them easier to use and to amend in the future;
- Eliminate unnecessary provisions in the rules and reconcile duplicative and conflicting provisions within the Joint Rules and between the Joint Rules and chamber rules;
- Update the drafting style of the rules to current Revisor of Statutes drafting standards; and
- Simplify the rules and clarify ambiguities within the rules.

Substantive changes recommended to the Joint Rules are as follows:

- Permit departments, agencies and commissions to file after cloture legislation if approved by a majority, instead of two-thirds, of the Legislative Council (same as for legislator bills) (Joint Rule 205);
- Limit sponsorship and cosponsorship of legislation to one prime sponsor, one lead cosponsor in the opposite chamber and up to 5 other cosponsors (Joint Rule 206);
- Make the titles and names of sponsors of legislator-initiated bills public information at cloture. The titles and departmental of Governor's bills would be public at the time of filing unless the Governor directed that they remain confidential until printed (Joint Rule 207);
- Authorize the Revisor of Statutes to change bill titles and Statements of Fact to reflect the content of legislation and change the title of "Statement of Fact" to "Summary" (Joint Rule 209);

- Permit committees, by rule, to establish their own procedures governing participation in questioning by members who testify on a bill at public hearing. The current joint rule prohibits questioning by members who testify. (Joint Rule 304)
- Clarify that a quorum is required to start a committee meeting as well as to vote, but is not required to continue a meeting. The current joint rule is unclear on whether a quorum is necessary to start meetings (Joint Rule 306);
- If a quorum is present, permit committees to vote when no Senators are present if the Senate President authorizes it, rather than requiring the authorization of both the President and the Speaker (Joint Rule 306);
- Permit a committee member absent from the State House Complex at the time the committee votes on a bill to record a vote with the committee clerk by noon on the second business day after the vote; and permit a committee member in the State House Complex but absent from committee to record a vote until 5:00pm on the day of the vote. This addition clarifies the current 48-hour rule and generally reflects current practice (Joint Rule 310, subsection 5);
- Permit a committee member to abstain from a committee vote only for a conflict of interest (Joint Rule 310, subsection 5); and
- Authorize policy committees to appoint at least 3 but not more than 5 members to serve on the liaison subcommittee to the Appropriations and Financial Affairs Committee, rather than limiting the subcommittee to 3 members (Joint Rule 314, subsection 2)

Changes from the current rules are identified in the text of the attached draft, and notes following each Joint Rule explain the of change being proposed.

The subcommittee recommends that the current Joint Rules be revised during the Second Regular Session of the 117th Legislature so that the changes proposed can be explained, discussed and voted on as time permits this year. Such a course of action avoids the need for hasty consideration and adoption of the recodified and revised rules by the newly installed First Regular Session of the 118th Legislature. Adoption of the new rules at this time will require a 2/3 vote in each chamber. Effected House and Senate rules should be revised before the new Joint Rules are adopted.

In addition to the recodification and substantive changes outlined here and described in the attached draft, the subcommittee has identified several important issues which should be addressed through joint rules changes. Due to lack of time, the subcommittee has not completed deliberations on those issues but plans to continue its work on them through the second year of the biennium. Among the issues that the subcommittee has identified for further consideration are:

- Concept drafting
- Budget process
- Minority reports
- New line-item veto Constitutional amendment
- New legislative review of agency rules law
- New legislative evaluation of state agencies law
- Fiscal notes
- Length of floor debate
- Blending committees of reference on bills that cross jurisdictional lines
- Expanding Native American Representation

The Committee's deliberations also identified some issues that did not require changes in the rules but did warrant notation in this report as follows:

- The use by the Standing Committees of the motion of "Ought to Pass in New Draft" should be encouraged. The Committee found that the report of OTP-ND has all but been eliminated in an effort to save funds. The Committee recognized the increased costs that do occur from this report but thought that limited use may solve some problems connected with duplicate bills and the associated consideration of who is credited with sponsorship. It was also noted that Standing Committees should utilize the Joint Order process to receive authority to report out legislation when they have a number of competing bills on the same topic.
- The Committee also discussed the need to continue and expand training of new members. The increased turnover and associated lack of experience with the rules necessitate greater training opportunities for all members of the Legislature.

The subcommittee presents this report to the full Total Quality Management Committee for its consideration and recommendation to the Legislative Council.

**PROPOSED AMENDMENTS TO
JOINT RULES - 117TH LEGISLATURE**

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**PROPOSED AMENDMENTS TO
JOINT RULES - 117TH LEGISLATURE**

Part 1 General Provisions

Rule 101. Scope.(New)

These Joint Rules are adopted pursuant to the Constitution of Maine to assist in carrying out the responsibilities of the Legislative Branch. The rules govern the transaction of business by both chambers, between the chambers and by members of both chambers, including many of the activities of joint legislative committees. The business of the separate chambers and most actions of members are governed by chamber rules.

NOTE TO JR 101: This is a recodification change that proposes a new rule that identifies the Constitution as the ultimate source of authority for adoption of the rules and distinguishes the functions of Joint Rules and Chamber Rules. The purpose of the new rule is to help the user understand the context within which the Joint Rules operate.

Rule 102. Amendment of Rules. (old J.R. 13-B)

~~13-B.--Amendments-to-Rules.--Notwithstanding-Joint-Rule-9,~~
proposed-amendments-to-the-r Joint Rules may be adopted amended
by a majority vote in each House, ~~until-and-including~~ chamber
~~on or before the end-of-the-session-on~~ the 3rd Friday in
January of the first regular session. After that, a vote of
two thirds of the members present in each chamber is required.

NOTE TO JR 102: This is a recodification change that consolidates the provisions of old JR 9 and 13-B (regarding adoption of joint rules), reflects current practice that the rules may be amended by majority vote before the 3rd Friday in January during the 1st session only, and makes drafting standards changes.

Rule 103. Suspension of Rules. (old J.R. 9)

~~9.--Rules.~~ Except as otherwise provided in Joint Rules
~~13-B-and-14 308,~~ no a joint rule or order shall may be
suspended ~~or-amended-without~~ only with the consent of two
thirds of the members present in each House chamber.

NOTE TO JR 103: This is a recodification change that consolidates the provisions of old JR 9 and 13 (regarding amendment of joint rules) and makes drafting standards changes.

Rule 104. Conflict of Interest. (old J.R. 10)

~~10.--Conflict-of-Interest.~~ No A member shall-be-permitted
~~to~~ may not vote on any question in either branch chamber of the

Legislature or in committee whose that immediately involves that member's private right, as distinct from the public interest, is immediately involved.

NOTE TO JR 104: This is a recodification change that makes drafting standards changes.

Rule 105. Payment of House and Senate Employees. (old J.R. 11)

~~11.--Employees.--The salaries of all officers and employees of the Senate and House of Representatives shall be established by the President of the Senate, the Speaker of the House and the Majority Floor Leaders of both the House and Senate. The Secretary of the Senate is authorized and directed to shall certify vouchers of the officers and employees of the Senate and the Clerk of the House is authorized and directed to shall certify vouchers of the officers and employees of the House in conformance with this Rule to the Executive Director of the Legislative Council.~~

~~Upon request from any member of the Legislature, the Executive Director of the Legislative Council shall provide salary range information for any position in the Legislature, including, but not limited to, employees of the President of the Senate, the Speaker of the House, the Secretary of the Senate, the Clerk of the House, the partisan offices, the nonpartisan offices, the chamber staff, the leadership staff and the committee clerks.~~

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 Executive Director of the Legislative Council.

NOTE TO JR 105: This is a recodification change that deletes language that is in conflict with statutory law regarding establishment of certain legislative employee salaries and revises language to reflect current law and practice with respect to providing information on legislative salaries.

Rule 106. Records of certain legislator expenses. (old J.R. 12-C)

~~12-C.--Records of Certain Legislator Expenses.--Upon request of any member of the Legislative Council in the majority party, the presiding officers shall provide to the requester records of total monthly or annual aggregate expenditures for telephone and postage solely for members in the majority party and, upon request of any member of the Legislative Council in the minority party, shall provide the same information to the requester solely for members in the minority party.~~

Upon request, the presiding officer of each chamber shall provide the Legislative Council or any council member the total

monthly or annual cost of phone expenses and of postage expenses for all members in the chamber. The presiding officers shall also provide monthly and annual phone and postage expenses of individual members upon the request of any member of the Council.

NOTE TO JR 106: This is a recodification change that clarifies ambiguous language and reflects current practice.

Rule 107. Notice of Legislative Council Meetings. (old J.R. 14-A)

~~14-A.--Notification-of-Meetings-of-the-Legislative Council.~~ Meeting times of the Legislative Council must be publicized, at a minimum, by posting notice on the door of the meeting room in a timely fashion. ~~Other means of notification may be employed as deemed necessary or feasible.~~ When feasible, other advance notice of Legislative Council meetings must be given.

NOTE TO JR 107: This is a recodification change that clarifies language.

Part 2 Legislation

Rule 201. Prefiling. (old J.R. 23)

~~23.--Prefiling.~~ Any A member-elect may present file bills and resolves ~~to the Clerk of the House or Secretary of the Senate~~ for introduction with the Revisor of Statutes prior to the convening of ~~any~~ a first regular session, ~~after which they become the property of the Legislature and may not be withdrawn by the sponsor.~~ ~~The Clerk or Secretary shall number and print such measures in advance of convening.~~

NOTE TO JR 201: This is a recodification change that deletes obsolete language, revises language to reflect current practice, and strikes language that is relocated to JR 401.

Rule 202. Cloture for Legislators at the First Regular Session. (old J.R. 25)

~~25.--Cloture-at-the-First-Regular-Session.--During-any-a first-regular-session,~~ all other requests for bills and resolves submitted by Legislators for a first regular session shall must be submitted in complete form, as provided in Joint Rule 202, to the Revisor of Statutes by 4:00 p.m. on the 3rd Friday in December, ~~except that for the First Regular Session of the 117th Legislature, cloture is 4:00 p.m. on the first Friday in January.~~

NOTE TO JR 202, 203, 204 AND 205: Recodification changes are proposed in old Joint Rules 24, 25, 26 and 27 to reflect

current practice, to delete obsolete language, to reorganize the rules, and to make drafting standards changes.

Rule 203. Cloture for Legislators at the Second Regular or Special Sessions. (old J.R. 26)

~~26.--Cloture-at-the-Second-Regular-or-Special-Sessions.~~
The Legislative Council shall set a cloture date and establish procedures for submission of legislation by Legislators to the Revisor of Statutes at any a second regular or special session. Procedures established for any a second regular session shall must ensure compliance with the requirements of the Maine Constitution of Maine, Article IV, Part Third, Section 1.

Any A vote of the Legislative Council to accept or reject a bill or resolve proposed for introduction under the procedures established under this Joint Rule shall must be taken by the yeas and nays, and that vote shall must be recorded and made available for public inspection.

Rule 204. Cloture for State Department, Agency or Commission Bills and Resolves. (old J.R. 24)

~~24.--Cloture-for-State-Department,-Agency-or-Commission Bills-or-Resolves.~~

1. Deadlines for Requests. ~~No request for a bill or resolve may be submitted to the Revisor of Statutes on behalf of any state department, agency or commission after the first Wednesday in December.--If the Governor has been newly elected in November preceding the convening of the first regular session, any bill or resolve introduced on behalf of a state department, agency or commission shall be submitted within 30 days after the Governor is administered the oath of office.~~ A state department, agency or commission may not file a request for a bill or resolve after the first Wednesday in December.

2. Deadline When Governor Newly Elected. If the Governor is newly elected and the November preceding the convening of the first regular session is the Governor's first term, then any bill or resolve submitted by a state department, agency or commission must be submitted within 30 days after the Governor is administered the Oath of Office.

2+3. Identification of Agency. Each A bill or resolve submitted for preparation under this rule shall must clearly designate, under the title, the department, agency or commission upon on whose behalf the bill or resolve is submitted.

~~3.--After-deadline-Requests.--Any request for a bill or resolve submitted under this rule after the first Wednesday in December in either the first or second regular session shall be considered an after-cloture request and shall be~~

~~transmitted to the Legislative Council by the Revisor of Statutes. The Legislative Council shall consider the facts supporting introduction notwithstanding cloture. If two-thirds of the Legislative Council approve the request for the bill or resolve, it shall be accepted for introduction. Notice of that action shall appear on the calendar of the appropriate House.~~

Rule 205. Filing after Cloture. (old J.R. 27)

~~27. Filing after Cloture.~~ Any A request for a bill or resolve submitted to the Revisor of Statutes by a Legislator or a department, agency or commission after the cloture date shall must be transmitted to the Legislative Council. The Council shall ascertain from the sponsor the facts supporting the request notwithstanding cloture. If a majority of the Council approves, ~~notice of that approval shall appear on the calendar of the appropriate House~~ the legislation is eligible for introduction as other legislation that is in compliance with Rules 202 or 203.

NOTE TO JR 205: This is a substantive change that permits departments, agencies and commissions to file legislation after cloture if approved by a majority of the Legislative Council, rather than two-thirds. The change is consistent with the requirement for introduction of legislator after cloture bills.

Rule 206. Sponsorship. (old J.R. 27-A, 28 & 28-A)

~~27-A. Primary Sponsorship.~~ ~~Notwithstanding any other Joint Rule, legislation.~~ 1. Numbers; Governor's bills. A bill, resolve, order, resolution or memorial may have up to 7 sponsors: may have 2 one primary sponsers sponsor, one lead cosponsor, one from each House the other chamber and 5 cosponsors from either chamber. Each bill or resolve requested by the Governor or a department, agency or commission must indicate the requestor below the title. ~~Notwithstanding Joint Rule 28, a bill, resolve, order, resolution or memorial shall must originate in whichever House agreed to by the primary sponsers, except that a revenue raising bill must originate in the House of Representatives, in accordance with the Constitution of Maine, Article IV, Part Third, Section 9. This Rule takes effect on September 1, 1993.~~

~~28. Sponsorship and Identification of Agency.~~ A sponsor of legislation may authorize an unlimited number of members of either House to cosponsor a bill, resolve, order, resolution or memorial. 2. Duplicate requests; Chamber of Origin. For duplicate or closely related bills or resolves, the Legislative Council may establish a policy for combination of requests and the number of cosponsors permitted on combined requests. A bill, resolve, order, resolution or memorial having cosponsors shall must originate in the House chamber of the primary sponsor. ~~Each bill or resolve requested by the Governor or a department, agency or commission shall indicate the requestor~~

below-the-title.

~~28-A.--Sponsorship-of-Legislation-by-Members-of-the Penobscot-Nation-and-the-Passamaquoddy-Tribe-Elected-to Represent-Their-People-at-Legislature.--Notwithstanding-House Rule-55, the.~~ 3. Indian representatives. The member of the Penobscot Nation and the member of the Passamaquoddy Tribe elected to represent their people at the biennial session of the 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.

NOTE TO JR 206: This is a substantive change that limits the number of sponsors and cosponsors to one primary sponsor, one lead cosponsor in the other chamber and up to 5 cosponsors. Recodification changes are also made to consolidate 3 rules into one and to make drafting standards changes.

Rule 207. Disclosure of Titles of Bills and Resolves. (New)

1. Legislator and Department Bills. The names of sponsors and titles of requests for bills and resolves submitted by legislators or by departments, agencies or commissions become public information on the cloture date and a list of titles and sponsors must be published as soon as practicable after cloture.

2. Governor Bills. The titles of requests for bills and resolves submitted by the Governor are considered public information on filing. The Governor may direct that the title of a particular bill or resolve remain confidential until that bill or resolve is printed.

NOTE TO JR 207: This new rule is a substantive change in the confidential treatment currently afforded bills and resolves before introduction. Earlier release of bill titles and sponsor names will permit committees and the presiding officers to more effectively organize their workloads and plan their schedules.

Rule 208. Requirements for Drafting. (old J.R. 29)

~~29.--Requirements-for-Drafting.~~ A request for a bill or resolve filed with the Revisor of Statutes shall be is considered complete when the request is properly titled and accompanied by sufficient instructions, information and data required for its preparation. Drafts prepared by an outside source must be filed in final form by the appropriate cloture date.

NOTE TO JR 208: This is a recodification change that makes drafting standards changes.

Rule 209. Bill Titles and Summaries. (old J.R. 30)

The Revisor of Statutes has authority to change the title of a bill or resolve to ensure that the title accurately and concisely reflects the content and scope of the bill or resolve.

~~30.--Statement-of-Fact.~~ The Revisor of Statutes shall prepare and include a ~~concise-statement-of-fact-on~~ summary of all bills, resolves and amendments. ~~The-purpose-of-the statement-of-fact-is-to-provide-a-brief-summary-of-the-bill, resolve-or-amendment.~~ The Revisor of Statutes has authority to ensure that the summary is concise and accurately reflects the intent of the bill or resolve.

NOTE TO JR 209: This is a substantive change to change the title of the "Statement of Fact" to "Summary" and to authorize the Revisor of Statutes to change titles and summaries to reflect the substance of the bill.

Rule 210. Form. (old J.R. 31)

~~31.--Form.~~ All bills and other instruments, including bills proposed by initiative, ~~shall~~ must be allocated to the Maine Revised Statutes as appropriate and corrected as to matters of form, legislative style and grammar by the Revisor of Statutes before printing.

NOTE TO JR 210: This is a recodification change that makes drafting standards changes.

Rule 211. Signatures on Drafts of Bills, Resolves and Amendments. (old J.R. 32)

~~32.--Signing-of-Bills,-Resolves-and-Amendments.~~ The Revisor of Statutes shall notify the sponsor and ~~any cosponsor~~ of a bill or resolve ~~shall-be-notified-by-the-Revisor-of~~ Statutes that the bill or resolve is ready in final form for signature. The primary sponsor is responsible for obtaining signatures from cosponsors. The primary sponsor and ~~any cosponsors~~ shall sign the bill or notify the Revisor of any changes that are necessary within deadlines established by the presiding officers. The primary sponsor shall present the signed cosponsor sheet to the Revisor. If the primary sponsor does not contact the Office of the Revisor of Statutes within this period, the bill ~~shall-be-considered-voided~~ is void.

If changes are requested, the Revisor of Statutes shall notify the primary sponsor when changes have been made and the bill is available for signature; and the primary sponsor and cosponsors shall sign the bill within the established deadlines. Further changes must be proposed to the committee of reference. If the primary sponsor does not sign the bill within this period, ~~it-shall-be voided~~ the bill is void. If cosponsors do not sign the bill within either period, their names ~~shall~~ must be removed from the bill.

NOTE TO JR 211: This is a recodification change that reflects current practice and makes drafting standards changes.

Rule 212. Errors. (old J.R. 33)

~~33.--Errors--Mistakes~~ Clerical errors in bills and resolves, ~~merely clerical,~~ may be corrected upon suggestion by the Revisor of Statutes without motion to amend.

NOTE TO JR 212: This is a recodification change that reflects current practice and makes drafting standards changes.

Rule 213. Expressions of Legislative Sentiment. (old J.R. 34)

~~34.--Expressions-of-Legislative-Sentiment.~~ All expressions of legislative sentiment shall must conform to guidelines issued by the President of the Senate and the Speaker of the House and shall must be presented in such a manner as standardized by the Revisor of Statutes. ~~Notwithstanding House Rule-55, the member of the Penobscot Nation and the member of the Passamaquoddy Tribe elected to represent their people at the biennial session of the Legislature shall have the right and privilege to sponsor and cosponsor expressions of Legislative sentiment as if a regular member of the House.~~

The expressions of legislative sentiment shall may not be part of the permanent journal or the legislative record but shall must appear on the printed calendar or advance journal of each body. ~~The Clerk of the House and Secretary of the Senate~~ Secretary of the Senate and the Clerk of the House shall cause print said ~~the~~ expressions to appear in an appendix to the legislative record. When the Legislature is not in session the ~~Speaker of the House and the President of the Senate~~ President of the Senate and the Speaker of the House may authorize expressions of legislative sentiment at the request of legislative members.

NOTE TO JR 213: This is a recodification change that deletes language that has been relocated to JR 206 and makes drafting standards changes.

Rule 214. Memorials. (old J.R. 35)

~~35.--Memorials.~~ No A memorial shall ~~be~~ is not in order for introduction unless approved by a majority of the Legislative Council.

NOTE TO JR 214: This is a recodification change that makes drafting standards changes.

Rule 215. Actions Relating to the U.S. Constitution (old J.R. 35-A)

~~35-A.--Actions-Relating-to-the-United-States-Constitution.~~
All memorials, resolutions, applications and petitions which ~~that~~ relate to the Legislature's functions under the United States Constitution, Article V, ~~shall-be~~ are in order for introduction without approval from the Legislative Council. Passage of these items ~~shall~~ must be accomplished as follows:

1. ~~Any~~ An item requesting the calling of a United States Constitutional Convention ~~shall-require~~ requires a two thirds vote of the members present in each House chamber;
2. ~~Any~~ An item requesting ratification of an amendment to the United States Constitution ~~shall-require~~ requires a majority vote of the members present in each House chamber; and
3. ~~Any~~ An item requesting any other action under the United States Constitution, Article V, ~~shall-require~~ requires a majority vote of the members present in each House chamber.

NOTE TO JR 215: This is a recodification change that makes drafting standards changes.

Rule 216. Claims against the State (old J.R. 36)

~~36.--Claims-against-the-State.~~ A claim of an amount of \$2,000 or less ~~shall-be~~ is in order for introduction only after the claim has been first disapproved or partially approved for payment under the Maine Revised Statutes, Title 5, section 1510-A. A claim of an amount greater than \$2,000 ~~shall-be~~ is in order for introduction only in the form of a resolve authorizing a suit against the State.

NOTE TO JR 216: This is a recodification change that makes drafting standards changes.

~~Rule-217. Amendments-to-Indian-Claims-Settlement-Act-(old-J.R. 36-A)~~

~~36-A.--Amendments-to-"AN-ACT-to-Implement-the-Maine-Indian Claims-Settlement,"--A-bill-amending-"AN-ACT-to-Implement-the Maine-Indian-Claims-Settlement,"-Maine-Revised-Statutes,-Title 30,-chapter-601,-of-which-approval-by-an-Indian-tribe-or-Indian nation-is-required-by-the-United-States-Code,-Title-25,-Section 1725-(e),-shall-contain-a-section-stating-that-the-Legislature has-received-and-accepted-a-statement-of-that-approval-or-a section-containing-a-provision-that-the-bill-shall-not-take effect-until-that-approval-is-received.~~

~~A-bill-amending-the-Revised-Statutes,-Title-30,-section 6205,-subsection-1,-paragraph-B-or-subsection-2,-paragraph-B,- and-adding-lands-to-or-including-lands-within-Indian-territory,- shall-contain-a-section-stating-the-recommendation-of-the-Maine Indian-Tribal-State-Commission.~~

NOTE TO OLD JR 36-A: This is a recodification change that deletes unnecessary language.

Rule 218. Measures Rejected at a Prior Session (old J.R. 37)

~~37.--Measures-Rejected-at-a-Prior-Session.~~ No A measure which bill, resolve, constitutional resolution, resolution, memorial or order that has been introduced and finally rejected in any a regular or special session shall ~~may not~~ be introduced in any a subsequent regular or special session of the same Legislature except by vote of ~~two-thirds~~ two thirds of both Houses chambers.

NOTE TO JR 218: This is a recodification change that clarifies the term "measure" consistent with JR 404 and makes drafting standards changes.

Rule 219 Legislation filed pursuant to law or resolve (old J.R. 20)

~~20.--Legislation-filed-pursuant-to-law-or-resolve.~~ Any Legislation filed pursuant to law or resolve shall ~~must~~ specify identify the source of the legislation and shall ~~must~~ cite the law or resolve which ~~that~~ authorizes the filing. The legislation shall ~~must~~ be introduced in the House chamber of the sponsor or the House chamber of origin of the authorizing law or resolve.

NOTE TO JR 219: This is a recodification change that makes drafting standards changes.

Part 3 Legislative Committees
Subpart A Joint Standing Committees

Rule 301. Joint Standing Committee responsibilities and jurisdiction (old J.R. 13)

~~13.--Legislative-Committees.--Committees-play-an-essential role-in-the-legislative-process.--The-purposes-of-committee rules-are-outlined-in-the-Committee-Handbook.--The-rules-of procedure-in-committee-are-the-same-as-the-rules-of-the-Senate and-House-to-the-extent-these-are-applicable.~~ (Moved to Rule 304, 2nd ¶)

~~The-following-rules-govern-the-activity-of-all-committees in-the-Legislature.~~

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 3 MRSA 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:

- Considering and reporting to both chambers on legislation pending before the Legislature;
- Reviewing and making recommendations on budgeting and fiscal policy issues concerning state government;
- Conducting oversight and review of the actions of departments and agencies of state government including but not limited to review of agency rules under the Maine Administrative Procedure Act (5 MRSA chapter 375, subchapter II and II-A) and agency evaluations under the State Government Evaluation Act (3 MRSA, chapter 35);
- Reviewing and making recommendations on gubernatorial appointments that require legislative confirmation under 3 MRSA chapter 6;
- Performing other tasks assigned to them including but not limited to reviewing specific provisions of law, conducting studies on assigned topics, issuing reports on policy and legal issues of interest to the Legislature, reporting out specific legislation pursuant to joint order and authorizing the annual budgets of certain counties.

~~There shall be no more than~~ As authorized by 3 MRSA §165 ~~there are~~ 17 Joint Standing Committees which shall must be appointed ~~as follows~~ at the commencement of the first regular session, ~~viz~~ and which exercise jurisdiction in the following areas:

- On Agriculture, Conservation and Forestry
- On Appropriations and Financial Affairs
- On Banking and Insurance
- On Business and Economic Development
- On Criminal Justice
- On Education and Cultural Affairs
- On Human Resources
- On Inland Fisheries and Wildlife
- On Judiciary
- On Labor
- On Legal and Veterans Affairs
- On Marine Resources
- On Natural Resources
- On State and Local Government
- On Taxation
- On Transportation
- On Utilities and Energy

NOTE TO JR 301: Old Joint Rule 13 is very long and has been divided into several new rules. This new rule represents a recodification change that rewrites part of old rule 13 to

delete unnecessary language and language that has been moved to JR 304. This rule retains the same committee jurisdictions and adds language describing the responsibilities of joint standing committees.

Rule 302. Membership (old J.R. 13)

Each of these committees ~~shall~~ consists of ~~no-more-than~~ 13 members, 3 on the part of the Senate and ~~no-more-than~~ 10 on the part of the House. The first named Senate member ~~shall-be~~ is the Senate chair. The first named House member ~~shall-be~~ is the House chair. The Senate chair shall preside and in the Senate chair's absence, the House chair shall preside and, thereafter, as the need may arise, the chair shall alternate between the members from each ~~House chamber~~ in the ~~order-sequence~~ of their appointment to the committee. The sequence of appointment for the biennium is as announced by the presiding officers in each chamber. Every member of the Senate and House of Representatives ~~and-the-Senate~~ is entitled to at least one initial committee assignment.

NOTE TO JR 302: This is a recodification change that reflects current practice, makes drafting standards changes and clarifies the meaning of "order of appointment" for purposes of determining succession to the chair.

Rule 303. Committee Clerks (old J.R. 13)

The hiring of all committee clerks must be mutually agreeable to both the Senate and House chairs. If not agreeable to both, the President of the Senate and Speaker of the House shall decide. Committee clerks serve at the pleasure of the President of the Senate and the Speaker of the House. The salaries of each committee clerk are established by the President of the Senate and the Speaker of the House ~~and-must~~ and their employment terminates no later than the end of the session.

NOTE TO JR 303: This is a recodification change that deletes obsolete language.

Rule 304. Procedures for Public Hearings and Work Sessions (old J.R. 13)

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 House to the extent applicable. (moved

from 1st ¶ of old J.R. 13) Committee procedures must be consistent with these rules-and-posted-and-made-available-upon request-at-all-public-hearings-and-work-sessions.

~~These committees may report by bill or otherwise.~~ The presiding chair shall decide all questions of order, subject to appeal to the committee. The chair's ruling shall stand unless overruled by a majority vote of the committee membership.

Scheduling of bills to be considered in public hearing and working sessions shall 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, shall decide.

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 which 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.

NOTE TO JR 304: This is a substantive change that adds new language to grant committees flexibility in adopting rules governing the actions of members who testify on bills when those members also wish to ask questions of others who testify on the same bill. Recodification changes are also made that delete obsolete language, add language that has been moved from other rules and clarify existing language.

Rule 305. Scheduling Public Hearings and Work Sessions.
(old J.R. 13)

At the beginning of each regular session, each committee shall recommend to the presiding officers specific days for its public hearings and work sessions, taking into consideration the availability of assigned staff and hearing rooms. Upon approval of the schedule by the presiding officers, the chairs shall try to schedule all committee work on those days. Each committee shall distribute a detailed list of hearings and work sessions that have been scheduled for the following week to all committee members. This schedule must also be posted.

Public hearings must be advertised two weekends in advance of the hearing date. All exceptions must be approved by both presiding officers.

The committee shall direct the committee clerk to notify all sponsors of the bill of the public hearing and work session on the bill.

It is the intent of the Legislature that no person be denied access to committee public hearings and work sessions because of a disability. Committees shall provide reasonable access for disabled persons to their proceedings.

NOTE TO JR 305: This is a recodification change that adds language that has been moved from other rules to this rule and adds new language on access to committee meetings by disabled persons.

Rule 306. Quorum (old J.R. 13)

~~Questions-of-Order--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. (Duplicated in Rule 304, third paragraph.)~~ A quorum ~~of~~ is seven ~~or more~~ members and a quorum must be present to start a meeting or to take a vote. A quorum is not required to continue a meeting. If a quorum is present, but there is not a Senator among ~~them~~ those present, the committee may take a vote only with the authorization of the ~~presiding-officers~~ President of the Senate.

NOTE TO JR 306: This rule makes a substantive change to authorize a committee to vote when there are no Senators present if the President of the Senate authorizes it rather than also requiring authorization by the Speaker. The rule is also changed to clarify that a quorum is necessary to start a meeting, but not to continue a meeting once started. This rule also makes recodification changes to reflect current practice and to delete language that is moved to JR 304.

Rule 307. Testimony (old J.R. 13)

~~Notwithstanding-Joint-Rule-38--the-use-of-testimony-under oath-for-public-hearings-pursuant-to-the-Maine-Revised Statutes--Title-3--section-165--subsection-7--requires-prior approval-by-the-Legislature.~~ Testimony before a joint standing committee is not presented under oath, except, that a committee is authorized to administer oaths in the case of legislative confirmation hearings under 3 MRSA, section 151 and may be so authorized by the Legislature when the committee is acting as a special investigating committee under 3 MRSA, section 165, subsection 7.

All written materials presented to the committee must bear the name, address and affiliation, if applicable, of the presenter and the date presented.

~~A-committee-member-who-testifies-on-a-bill-referred-to-that committee-may-not-ask-questions-of-other-persons-testifying-on that-bill-at-the-public-hearing. (covered in J.R. 304)~~

~~Advertising.--Public hearings must be advertised two weekends in advance of the hearing date.--All exceptions to this rule must be approved by both presiding officers.~~ (moved to J.R. 306)

~~Advance Notification to Bill Sponsors.--The committee shall direct the committee clerk to notify the bill sponsors as soon as the bill is scheduled for public hearing and for all committee work sessions.~~ (moved to J.R. 306)

NOTE TO JR 307: This is a recodification change that clarifies current language and deletes duplicative language and language that has been moved to other rules.

Rule 308. Reference of Bills to Committee (old J.R. 14)

~~14.--Reference of Bills to Committee.~~ All bills and resolves must be referred to committee, except that this provision may be suspended by a majority vote ~~taken by a division in each chamber~~

1. Legislature in Session. When the Legislature is in session the The Secretary of the Senate and the Clerk of the House shall, ~~after conferring together,~~ jointly suggest an appropriate committee reference for every bill, resolve and petition offered ~~in either House.~~ Upon their agreement, ~~the~~ The suggested reference shall must be placed upon the Advance Journal and eCalendar of each House chamber. If, however, they are unable to agree, the question of reference shall must be referred to a conference of the President of the Senate and the Speaker of the House. Upon their agreement, the suggested reference shall must be placed upon the Advance Journal and eCalendar of each House chamber. If, however, they are unable to agree, the question of suggested reference shall must be referred to the Legislative Council for resolution. Upon the decision of the Legislative Council, the suggested reference shall must be placed upon the Advance Journal and eCalendar of each House chamber.

~~When the Legislature is in recess the Clerk of the House and Secretary of the Senate shall refer the bills to the appropriate joint standing committee for public hearing and order printing, subject to the approval of the Speaker of the House and the President of the Senate.~~ (moved to below)

Each suggested reference appearing upon the Advance Journal and Cealendar of each House chamber shall 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 House Rule 53,

Senate Rule 33 and Joint Rule 9 103, a majority vote shall be 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 Clerk of the House and Secretary of the Senate may refer the bills to the appropriate joint standing committee for public hearing and order printing, subject to the approval of the Speaker of the House and the President of the Senate.

NOTE TO JR 308: This is a recodification change that restructures old JR 14, makes drafting standards changes and clarifies the process for referral of bills by the Clerk and the Secretary when the Legislature is not in session.

Rule 309. Notice to Report (old J.R. 13)

~~Notice-to-Report.~~ A joint standing committee to which a bill or resolve has been referred shall, after receiving notice of the reporting deadline from the President of the Senate and the Speaker of the House, report that bill out of committee to the floor for consideration in accordance with that deadline.

Rule 310. Reports of Bills from Committee (old J.R. 15)

~~15.--Reports-of-Bills-from-Committee~~

1. Deadline for Reports. The Joint Standing Committees shall report out every bill ~~which~~ that has been referred to them in the manner prescribed in these rules and in accordance with deadlines established by the presiding officers.

2. Committee Reports. ~~Committees-shall-report-out-every bill-that-has-been-referred-to-them-in-accordance-with deadlines-established-by-the-presiding-officers-and-in-the manner-prescribed-in-these-rules.~~ (Duplicated above) The report of the committee must include a recommendation. ~~Reports-that-may-be-recommended-unanimously-or-by-a plurality-of-the-committee-include~~ Recommendations that may be made are:

Ought to Pass

Ought to Pass as Amended

Ought to Pass in New Draft. ~~The-use-of-this-report requires-the-approval-of-both-presiding-officers.~~

Ought Not to Pass

Refer to Another Committee

~~The-report-Referral-to-Another-Committee-requires-a unanimous-vote-of-the-committee.~~

When the committee recommendation is not unanimous, a minority report or reports are required. All reports on any legislative document must be submitted to the

Legislature at the same time.

3. Unanimous Ought Not to Pass Report. When all 13 members of a Joint Standing Committee vote to report a bill Ought Not to Pass, the committee shall notify the presiding officers, the sponsor and cosponsors of the bill of their action. This communication must appear on the calendar in each House chamber, and the bill shall must, upon notification of both Houses chambers, be placed in the legislative file and ~~disposed-of-as-provided-in-subsection 4-as-prescribed-herein~~ may be recalled only as provided in Rule 404.

~~4.--Two-thirds-Required.--When-a-bill-or-resolve-is-placed in-the-legislative-file-pursuant-to-subsection-37-no further-action-shall-be-taken-following-such-disposition unless-the-bill-or-resolve-is-recalled-for-reconsideration by-a-vote-of-two-thirds-of-both-Houses.~~ (Duplicates J.R. above & J.R. 404)

54. Ought to Pass in New Draft Report. When the changes voted by the committee are major, the committee may elect to report the bill out Ought to Pass in New Draft with authorization of the presiding officers. When a plurality of the committee recommends this report, the chairs shall submit a request for authority to report the bill out in this fashion. When the committee recommendation is not unanimous, a minority report is required. New drafts printed pursuant to these rules shall must include the legislative document number that the new bill replaces with the names of the original sponsor and cosponsors. The Secretary of the Senate and the Clerk of the House shall determine the number of copies which shall must be printed of each new draft.

65. Committee Voting. ~~A-quorum,-comprising-a-majority-of the-committee,-which-equals-seven-members-for-a thirteen-member-committee,-must-be-present-in-order-for-a vote-to-be-taken.--If-a-quorum-is-present,-but-there-is-not a-Senator-among-them,-the-committee-may-take-a-vote-only with-the-authorization-of-the-presiding-officers.~~ (Duplicates J.R. 306)

The committee clerk shall prepare the committee jacket or jackets following the vote and obtain signatures from committee members as required. ~~A-committee-member-who-is absent-from-the-committee-on-the-day-of-the-vote-has-48 hours-to-register-the-member's-vote.~~ 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 Complex at the time of the vote, that member's vote may be registered with the Clerk up until noon on the second business day following the vote.

B. If any member is absent from Committee at the time of the vote but present in the State House Complex, 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, no question may be decided and no official action may be taken in the absence of a quorum.

NOTE TO JR 310: This rule makes substantive changes to clarify the operation of the 48 hour rule for voting on bills in committee and situations in which a member may abstain from voting. Recodification changes are made to reflect current practice, to delete duplicative language, and to make drafting standards changes.

Rule 311. Errors and Inconsistencies Legislation (old J.R. 21)

~~21.--Reporting-out-Errors-and-Inconsistencies-Legislation.~~
Prior to reporting out any omnibus bill concerning errors and inconsistencies in the Laws of Maine, the Joint Standing Committee on Judiciary shall, after giving notice and an opportunity to be heard, hear proposed amendments and determine which amendments ~~shall~~ may be included in the bill reported out. No floor amendment ~~shall~~ may be entertained in either House chamber unless the amendment is printed and distributed at least 24 hours prior to introduction.

NOTE TO JR 311: This is a recodification change that makes drafting standards changes.

Rule 312. Fiscal Notes (old J.R. 22)

~~22.--Fiscal-Notes.~~ Every bill or resolve affecting state revenues, appropriations or allocations or that requires a local unit of government to expand or modify that unit's activities so as to necessitate additional expenditures from local revenues and that has a committee recommendation other than Ought Not to Pass or referral to another committee must include a fiscal note. This statement must be incorporated in the bill before it is reported out of committee. Any amendment introduced that would affect the fiscal impact of the original bill must also include a fiscal note. The Office of Fiscal and Program Review has the sole responsibility for preparing all fiscal notes.

NOTE TO JR 312: This is a recodification change that makes a technical correction in the text.

Rule 313. Confidentiality. (old J.R. 13)

The committee shall protect confidential records, including

those records excluded from the definition of "public records" under the freedom of access laws, Maine Revised Statutes, Title 1, section 402, subsection 3 from public disclosure by holding executive sessions to discuss information contained in such records. Executive sessions must be held in accordance with the provisions of the freedom of access laws, Maine Revised Statutes, Title 1, section 401, et seq.

Before the committee files leave the custody of the committee, the committee chairs shall direct the custodian of the files to protect the confidentiality of the records in any appropriate manner, including returning the records to the person or department from which they came; destroying the records; or blocking out personally identifying information in the records and retaining them in the files, if the law declaring the records confidential permits disclosure in this manner.

The committee chairs shall also ensure that the files include a notation indicating what type of confidential records were reviewed by the committee.

~~Rule-314--Smoking-~~ (old J.R. 13)

~~No-one-may-smoke-in-committee-rooms-at-any-time-~~

NOTE: This is a recodification change to delete obsolete language.

Rule 314. Participation in Budget Hearings and Work Sessions
(old J.R. 13)

As used in this Rule, "policy committee" means a joint standing committee or joint select committee of the Legislature having subject matter jurisdiction other than the Joint Standing Committee on Appropriations and Financial Affairs.

In regard to the Governor's biennial budget recommendations, the Legislature shall set priorities and implement policy as follows:

1. Budget recommendations made by the Governor on areas within the jurisdiction of a policy committee must be initially heard jointly by the Appropriations and Financial Affairs Committee and the appropriate policy committee having jurisdiction over the subject matter presented;
2. Each policy committee shall appoint a subcommittee of at least three and not more than five of its members to serve as liaisons to the Appropriations and Financial Affairs Committee. At least one One member of the subcommittee must be appointed by the Senate chair of the policy committee and ~~the remaining~~ at least two members must be appointed by the House chair of the policy committee. This subcommittee must include members of both

~~the majority and minority~~ the two parties holding the largest number of seats in the Legislature. Whenever possible, the Appropriations and Financial Affairs Committee shall notify each member of a policy committee subcommittee in a timely manner of all subsequent deliberations on budget items relative to that subcommittee's committee's jurisdiction. Each committee through its subcommittee shall advise the Appropriations and Financial Affairs Committee of its respective policy committee's recommendations regarding budget items relative to that committee's jurisdiction and through its subcommittee may participate in all subsequent deliberations of the Appropriations and Financial Affairs Committee on these budget items;

3. The membership of each subcommittee must be published in the Legislative Advance Journal and Calendars and, if time permits, printed in the Senate and House Register;

4. Each policy committee shall provide the Appropriations and Financial Affairs Committee with the policy committee's recommendations regarding the relevant part of the Governor's budget. These recommendations must be delivered within a time period set by the chairs of the Appropriations and Financial Affairs Committee after consultation with the chairs of the policy committee and in no case may the time period be less than ten days following the initial joint hearing unless mutually agreed upon. The recommendations must be made within the budgetary constraints set by the Appropriations and Financial Affairs Committee;

5. Following submission of the policy committee's biennial budget recommendations within established budget constraints, each policy committee may recommend additional funds for program priorities that exceed the original budgeting constraints and if recommendations for additional funds are made, the committee shall explain those recommendations;

6. The Appropriations and Financial Affairs Committee shall consider the policy committees' budget recommendations during the Appropriations and Financial Affairs Committee's deliberations, but retains sole decision-making authority on budget matters; and

7. ~~In addition,~~ Within five legislative business days after reporting out all bills involving appropriations or revenues, the policy committees shall submit to the Appropriations and Financial Affairs Committee a list indicating these committees' priorities for final passage of these bills.

NOTE TO JR 314: This is a substantive change to authorize committees to appoint liaison subcommittees of up to 5 members

to work with the Appropriations and Financial Affairs Committee. The current size of the subcommittee is 3 members. Other recodification changes are made to clarify current language. The length of time committees have following reporting out their bills to prioritize their bills on the Appropriations Table is changed from 5 legislative days to 5 business days.

Subpart B Special Legislative Committees

Rule 351. Joint Select Committees (old J.R. 16)

~~16.--Joint-Select-Committees.~~ Joint Select Committees select committees shall consist of three on-the-part-of-the Senate-and-seven-on-the-part-of-the-House Senators and 7 members of the House of Representatives, unless the order creating the same shall committee provides a different number.

Whenever a select committee shall-be is appointed by either House and-be-joined-by-the-other, it-shall-be-the-duty-of both chambers the Secretary of the Senate, or and the Clerk of the House, as-the-case-may-be, to-transmit-one-to-the-other-the names-of-the-members-so-joined, in-order shall inform each other of the names of the members so that they the names may be entered upon the journal Advance Journal and Calendar of each House chamber.

NOTE TO JR 351: This is a recodification change that makes drafting standards changes.

Rule-352 Joint-Select-Committee-on-Indian-Affairs-(old-J.R. 13-A)

~~13-A.--Joint-Select-Committee-on-Indian-Affairs.~~ There shall-be-a-Joint-Select-Committee-on-Indian-Affairs-to-review all-legislation-relating-to-Indians-and-Indian-land-claims after-its-submission-to-a-joint-standing-committee-but-before-a public-hearing-is-held-on-that-legislation.--The-committee shall-consist-of-the-representatives-from-House-Districts-121, 134-and-142, the-Senators-from-Senate-Districts-3, 4-and-7, the member-of-the-Penobscot-Nation-and-the-member-of-the Passamaquoddy-Tribe-elected-to-represent-their-people-at-the Legislature-and-the-executive-secretary-of-the-Tribal-State Commission.--The-President-of-the-Senate-and-the-Speaker-of-the House-of-Representatives-shall-serve-as-ex-officio-members-of the-committee.--The-Joint-Select-Committee-on-Indian-Affairs may-make-recommendations-to-the-joint-standing-committee-to which-the-legislation-is-referred.

NOTE: This is a recodification change that deletes the rule establishing the Joint Select Committee on Indian Affairs to reflect current practice.

Rule 352. Committees of Conference (old J.R. 17)

~~17.--Conference-Committees.~~ When disagreeing action between the chambers has occurred, a committee of conference is in order. Committees of conference shall consist of three members ~~on-the-part-of~~ from each House, ~~representing-its-vote~~ chamber who voted on the prevailing side. A committee of conference shall meet and submit a report, ~~agreed-to-by-a~~ majority of each committee or unable to agree within 10 legislative days to the ~~branch~~ chamber asking for the conference. The report must be agreed to by a majority of the members from each chamber. The committee report may be that it is unable to agree. This report may be either accepted or rejected, but no other action shall may be had except through another committee of conference. If the ~~committee-of-conference-is-unable-to-agree,-the-President-of~~ the Senate and the Speaker of the House may appoint a new committee. If necessary, a new committee of conference may be formed.

NOTE TO JR 352: This is a recodification change that clarifies language and makes drafting standards changes.

Rule-353--Committee-Inquiries-and-Reports-(old-J.R.-18)

~~18.--Committee-Inquiries-and-Reports.--Orders-directing~~ inquiry in relation to an existing statute shall state the subject matter of such statute and also the title and section to which the inquiry is directed.

In presenting a report upon any matter referred to a committee, such report shall set forth the subject referred, and the substance shall also be briefly endorsed on the back of the same.

If a committee responds to an order directing inquiry upon any matter by presenting a report recommending legislation, such legislation shall be introduced when the report is transmitted to the Legislature.--This legislation shall bear the designation of the committee reporting.

NOTE: This is a recodification change that deletes obsolete language.

Rule 353. Study Committee Reports (old J.R. 19)

~~19.--Study-Reports.~~ Committees shall take final action on studies authorized to undertake studies by the Legislative Council shall complete the studies, including reports and accompanying necessary implementing legislation, by the date established annually by the Legislative Council.

Any committee which that finds that it is unable to comply with these its deadlines shall submit a written request for an extension to the Legislative Council prior to the deadline.

NOTE to JR 353: This is a recodification change that clarifies language and makes drafting standards changes.

Part 4 Floor Action on Legislation

Rule 401. Printing of bills (old J.R. 1)

~~1.--Printing.--Whenever a document shall be printed under the Joint Rules governing the procedure following a favorable committee report, a sufficient number of copies shall be delivered to the Sergeant at Arms of each House for the members and officers thereof and the balance shall be delivered to the Document Clerk, who shall reserve sufficient copies for the departments and binding, twenty copies for the committee having the same under consideration, and shall be responsible for the equitable distribution of the remainder.~~

Every bill or resolve submitted by a legislator must be printed unless withdrawn by the sponsor before printing. After it is printed, a bill or resolve is considered to be in the possession of the Legislature and may not be withdrawn by the sponsor. Every bill presented for reference to committee or to be engrossed without reference to committee must be printed before appearing on the Advance Journal and Calendar of either chamber.

Every amendment must be printed and distributed before being taken up in either chamber. Every committee amendment must indicate the committee making the report.

The Secretary of the Senate and the Clerk of the House of Representatives are responsible for the printing and initial distribution of legislative documents and amendments.

NOTE TO JR 401 AND 402: Old JR 1 and part of 2 are combined in JR 401. Recodification changes have been made in JR 401 and 402 to delete obsolete language and make drafting standards changes.

Rule 402. Consideration of Bills (old J.R. 2)

~~2.--Consideration of Legislation.--Every bill or resolve reported in either House by a committee shall be printed and distributed in both Houses before having its first reading. Bills not already printed and new drafts shall be printed immediately after the reports are deposited in the office of the Secretary of the Senate or the Clerk of the House.--The printed copies shall show by what committee the bill or resolve was reported.~~

When a bill, resolve, order or memorial shall pass one House chamber, if rejected in the other House chamber, it shall must be returned by the Secretary or Clerk, as the case may be, for further consideration.

Rule 403 Amendment of bills (old J.R. 3)

~~3.--Debate-and-Amendment.--No-debate-or-amendment-shall-be permitted-on-any-bill-or-resolve-until-such-bill-or-resolve-is before-the-Senate-in-the-second-reading-or-before-the-House-in the-second-reading,--provided-the-favorable-report-of-the committee-to-which-the-bill-or-resolve-has-been-referred-has been-accepted.~~

A floor amendment may not be permitted on any bill or resolve until a favorable report of the committee to which the bill or resolve has been referred has been accepted and the bill or resolve is before the Senate in the second reading or before the House in the second reading.

NOTE TO JR 403: This is a recodification change that deletes language governing debate because that is a subject that should be covered in chamber rule and makes drafting standards changes.

Rule 404 Rejection of Bills (old J.R. 4)

~~4.--Rejection-of-Bills.~~ No A bill, or resolve, constitutional resolution, resolution, memorial or order that is finally rejected shall may not be recalled from the legislative files except by joint order approved by a vote of two-thirds of both Houses chambers.

NOTE TO JR 404: This is a recodification change that makes drafting standards changes.

Rule 405 Engrossing of Bills (old J.R. 4-1)

~~4-A.--Engrossing-of-Bills.~~ Notwithstanding Senate Rule 23 and House Rule 48, the President of the Senate or the Speaker of the House may order any bill or resolve to be engrossed upon its introduction to either the Senate or the House. Any bill or resolve engrossed pursuant to this rule shall must be committed to the Committee on Engrossed Bills whose duties shall be to examine the same and to see that the same have been truly engrossed. Before any bill shall is passed to be enacted, or any resolve finally passed, it shall must be reported by that committee to be truly and strictly engrossed, and the title thereof read by the President or the Speaker.

NOTE TO JR 405: This is a recodification change that makes drafting standards changes.

Rule 406 Enactment of Bills (old J.R. 5)

~~5.--Enactment-of-Bills.~~ Every bill that shall have has passed both Houses chambers to be enacted and all resolutions having the force of law, that shall have finally passed both Houses chambers, shall must be presented by the Secretary of the Senate to the Governor for approval; and the Secretary of

the Senate shall enter on the journal of the Senate the day on which such bills or resolutions are so presented to the Governor.

NOTE TO JR 406: This is a recodification change that makes drafting standards changes.

Rule 407 Responsibility for Legislative Papers (old J.R. 6)

~~6.--Responsibility-for-Legislative-Papers.~~ All endorsements on papers while on their passage between the two ~~Houses~~ chambers shall be under the signature of the Secretary of the Senate or the Clerk of the House, respectively; but after the final passage of bills and resolves they shall be signed by the presiding officer of each ~~House~~ chamber.

Where one ~~House~~ chamber has passed upon a legislative paper and forwarded it to the other, the receiving ~~House~~ chamber shall promptly, upon receipt, place that paper on its calendar.

NOTE TO JR 407: This is a recodification change that makes drafting standards changes.

Rule 408 Joint Conventions (old J.R. 7)

~~7.--Conventions.~~ No business may be transacted in convention of the two ~~Houses~~ chambers unless by unanimous consent of the convention in the convention, except for such business as may be agreed upon by the two ~~Houses~~ chambers before the convention is formed.

NOTE TO JR 408: This is a recodification change that makes drafting standards changes.

Rule 409. Communications (old J.R. 8)

~~8.--Communications.~~ Whenever a message shall be sent from the Senate to the House, the Chair shall appoint a messenger, who after being recognized, shall announce the message respectfully to the Chair.

In a like manner, messages from the House shall be communicated to the Presiding Officer of the Senate.

~~Rule-410 Transaction-of-Legislative-Business-after-9:00-p.m.
(old-J.R.-12)~~

~~12.--Transaction-of-Legislative-Business-after-9:00-p.m.
No-business-shall-be-transacted-in-either-House-after-the-hour
of-9:00-p.m.-without-the-affirmative-vote-of-2/3-of-the-members
present-and-voting.~~

~~Rule-411 Duration-of-Roll-Calls; Calls-for-Yeas-and-Nays-(old
J.R.-12-A)~~

~~12-A.--Duration-of-Roll-Calls;-Calls-for-Yeas-and-Nays.--A roll-call-in-the-Senate, or-a-call-for-yeas-and-nays-in-the House-must-close-no-more-than-30-minutes-after-such-call-was commenced.~~

Rule-412 Questions-Posed-to-Chair-(old-J.R.-12-B)

~~12-B.--Questions-Posed-to-Chair.--When-a-question-is-posed to-the-Chair-by-a-member-in-the-Senate-or-the-House, the presiding-officer-must-respond-to-the-question-within-7 legislative-days.--Pending-the-presiding-officer's-response-to the-question, the-item-about-which-the-question-was-posed-must be-tabled.~~

NOTE TO OLD JR 12, 12-A AND 12-B: These are recodification changes that delete language that should be chamber rules.

Part 5 Legislative Confirmations

Rule 501. Notice of Gubernatorial Appointments (old J.R. 38)

~~38.--Legislative-Confirmation-of-Gubernatorial Appointments.--The procedures for legislative confirmation are established in the Maine Revised Statutes, Title 3, Chapter 6. Upon receipt by the President of the Senate and Speaker of the House of notification from the Governor of the name of a nominee and of the office to which that person is nominated, the President of the Senate and Speaker of the House shall, without delay, forward that notice and copies of accompanying materials to the Chairs of the Joint Standing Committee which that is charged by law with reviewing nominations to that office, to the Legislative Information Office and to the 2 partisan staff assistants for nominations. The Legislative Information Office shall establish an official file for each nominee.~~

NOTE TO JR 501 THRU 508: Recodification changes have been made to old JR 38 and 39 to reorganize the content into 8 parts--new JR 501 through 508. Drafting standards changes are also made. New language dealing with testimony under oath is added which is consistent with statutory law.

Rule 502. _____ Partisan Staff Assistants for Nominations (old J.R. 39)

~~39.--Partisan-Staff-Assistants-for-Nominations. The members of the Legislative Council representing the each party with-the-largest-number-of-members-in-the-Legislature shall, within 7 legislative days after the convening of the first regular session, appoint a partisan staff assistant for nominations. The-members-of-the-Legislative-Council representing-the-party-with-the-next-largest-number-of-members in-the-Legislature-shall-also, within-7-legislative-days-after~~

~~the convening of the first regular session, appoint a partisan staff assistant for nominations.~~ Each of these assistants ~~shall serve~~ serves at the pleasure of the appointing authority during the biennium for which the assistant is chosen. A vacancy in either of these positions ~~shall~~ must be filled for the remainder of the biennium in the same manner as the original appointment. Partisan staff assistants for nominations shall provide all necessary assistance to each joint standing committee required by law to recommend action on a gubernatorial nominee.

Rule 503. Committee Preconference Hearing. (Old J.R. 38)

The joint standing committee ~~shall~~ may hold a prehearing conference within 21 days of the notification from the Governor ~~unless the committee decides otherwise.~~ The prehearing conference must be consistent with the Maine Revised Statutes, Title 3, ~~chapter 6~~ section 156.

Rule 504. Committee Public Hearing. (Old J.R. 38)

The joint standing committee shall hold a public hearing on the nomination in Augusta at a time convenient to the public within 30 days, or 35 days for judicial officers, from the date of the Governor's notice of the nomination to the President of the Senate and Speaker of the House. The Legislative Information Office shall ~~cause to be published~~ publish in the state paper and in a newspaper of general circulation in the area where the nominee resides at least 7 days before the hearing a notice of that hearing, which ~~shall~~ must contain the time and place of the hearing, the name of the nominee, the office to which that person has been nominated and a general description of the duties of that office ~~and.~~ The notice must also contain a statement that written comments relevant to the qualifications of the nominee together with supporting materials may be filed with the Legislative Information Office by 9 a.m. on the hearing date. At the hearing, the committee shall take written or oral testimony ~~which shall be~~ limited to relevant comments and questions regarding the qualifications of the nominee. Notwithstanding Title 3, §151, for the purposes of reviewing nominations pursuant to this rule, the joint standing committee has the power to administer oaths and to take testimony under oath. All testimony taken at the hearing ~~shall~~ must be ~~transcribed by mechanical means~~ recorded, and testimony and other materials received by the committee ~~shall~~ must be preserved according to the Maine Revised Statutes, Title 3, section 159. The 2 partisan assistants for nominations shall provide the committee with a written report of their investigations before the committee votes to recommend or deny confirmation.

Rule 505. Committee Vote. (Old J.R. 38)

Within 35 days, or 40 days for judicial officers, from the date of the Governor's notice of the nomination to the

President of the Senate and Speaker of the House, the committee shall recommend confirmation or denial by majority vote of the committee members present and voting. The vote of the committee ~~shall~~ may be taken only upon an affirmative motion to recommend confirmation of the nominee, and a tie vote of the committee ~~shall-be~~ is considered a recommendation of denial. A vote may not be taken sooner than 15 minutes after the close of the public hearing unless by agreement of all committee members present. The committee vote ~~shall~~ must be by the yeas and nays. The chairs of the committee shall send written notices of the committee's recommendation to the President of the Senate.

Rule 506. Senate Vote. (Old J.R. 38)

Within 45 days, or 50 days for judicial officers, from the date of the Governor's notification of the nomination to the President of the Senate and the Speaker of the House, the Senate shall review the recommendation of the committee on the nomination, and, after review, shall vote by the yeas and nays on that recommendation.

After vote by the Senate, the committee's recommendation ~~shall-become~~ becomes final action of confirmation or denial unless the Senate by a vote of 2/3 of those members present and voting overrides the committee's recommendation. If the committee recommends to deny confirmation, and the Senate votes, by a vote of 2/3 or greater of those members present and voting, to override the committee's recommendation, the nomination ~~shall-be~~ is deemed confirmed. Following Senate confirmation or denial, notice of the action taken ~~shall~~ must be given to the Speaker of the House.

Rule 507. Withdrawal of Nomination. (Old J.R. 38)

~~Once~~ If the Governor withdraws a nomination at any time prior to the Senate vote, by sending a written notice of withdrawal to the President of the Senate, the Legislature ~~shall~~ may take no further action on that nomination.

Rule 508. Nomination Made Within 30 Days of Adjournment. (Old J.R. 38)

If the Governor posts a nomination within 30 days preceding the statutory date of adjournment, a legislative committee to whom a nominee is to be referred for confirmation review may, by 2/3 vote, request the President of the Senate and the Speaker of the House of Representatives to delay this review in order to complete the committee's legislative work. If the President of the Senate and the Speaker of the House of Representatives approve the request, the time periods for legislative action begin on the date the Legislature adjourns.

8456GEA

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117th Legislative Council
Total Quality Management
Subcommittee on Rules in the Legislature
October 12, 1995
Updated 1/8/96

- ✓ Modernize/Recodify
- ✓ Internal Inconsistency
 - House/Senate --> joint conflicts
- Concept Drafting *(to full committee)*
- Budget Process *(to full committee)*
- ✓ Smoking
 - ✓ Smoking Room
 - ✓ Rule 314 - needed?
- Length of Debate *(tabled)*
 - Repeated speeches by one member *(tabled)*
- ✓ Extended Training of New Members *(highlight in report)*
- ✓ Errors Bills (Departmental)
 - Major changes not noticed by other committees
- Cross Jurisdiction of Legislative Documents *(tabled)*
 - One committee or the other gives report, not both *(tabled)*
 - "Blending" of committees *(tabled)*
- ✓ Reference - appeal process when Joint Rule 14 is used outside session
- Fiscal Notes *(tabled)*
 - Dependence on Executive Branch *(tabled)*
- Not Seen by Committee *(tabled)*
- Specific Rules
 - ✓ Rule 10 - Conflict of Interest
 - ✓ Rule 11 - Employees' Salaries
 - ✓ Rule 12 - 9:00 p.m. Deadline
 - ✓ Rule 12a - Duration of Roll Calls
 - ✓ Rule 12b - Rulings of the Chair - Time Limit
 - ✓ Rule 13 - Committees - Order of Appointment
 - ✓ Rule 13 - Committees - Members can not ask questions on their own bill in their own committee
 - ✓ Rule 15 - Committee Reports - 48-Hour Rule (Saturday & Sunday)
 - ✓ Rule 36 - Claims against State - why in rules?
 - Rule 36A - Indian Claims - why in rules?
- Native American Representatives
 - Procedural vote in committee
 - Maliseet Representative
 - ✓ JR 13A needed?
- Committee Rules
- ✓ Cosponsorship *(limited to 1 prime sponsor, 1 lead sponsor + 5 cosponsors)*
 - Unlimited vs. 10 or less
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 - Germaneness Rule liberalized
- Minority Reports
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- New Laws
 - New law on agency rules
 - Audit public review function to committee of jurisdiction - Rule 354
 - Line item veto
- Rule or Statute - which takes precedence
- ✓ Cloture Dates

Additions:

- ✓ Joint Rule 12-C (New - 106) - Expenses
- Legislative Council Authority
- ✓ Glossary
- ✓ Law Cite in Rules
- ✓ Require printing of all bills (201)
 - ✓ Members Authority not defined
 - Level playing field with Governor and Departments *(to full committee)*
- ✓ Ought to Pass in New Draft (310)
- ✓ Statement of Fact (209)
 - ✓ Change name to "Summary"
 - ✓ Tighten up content

Additions 11/14/95

- ✓ Rule 305 - notification of sponsors
- ✓ ADA Requirements
- ✓ Quorum
 - ✓ Public Hearing
 - ✓ Committee action
- ✓ Rule 304 - Bill sponsor setting with Committee
- ✓ Rule 310 - Refer to other Committee - must be unanimous
- ✓ Rule 315 - Committee Chairs ex-officio on budget subcommittee
 - All committee members notified when subcommittee meets
- ✓ Rule 403 - "Debate" at 2nd Reading
- ✓ Proxy voting at Joint Convention

JWM/jb
2057WPHOUSE

STATE OF MAINE

In Senate _____ Date _____

ORDERED, that Senate Rule 17 be amended to read:

17. Questions of order shall be decided by the President without debate within 7 legislative days; but if an appeal is taken, the same may be debated like other questions, and the decision thereon shall be entered upon the journal.

ORDERED, that Senate Rule 25 be amended to read:

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

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

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

3rd. The reception and reference of petitions and such other papers as require action by a committee.

4th. Orders.

5th. Reports of committees.

6th. Bills and resolves reported by the Committee on Bills in the Second Reading.

7th. Bills on their passage to be enacted, and resolves on their final passage.

8th. Orders of the day.

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 on Bills in the Second Reading, 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. No business shall be transacted after the hour of 9:00 p.m. without the affirmative vote of 2/3 of the members present and voting.

ORDERED, that Senate Rule 26 be amended to read:

26. Once the Secretary of the Senate commences with the roll call, all Senators shall remain seated until the vote has been announced. A roll call must close no more than 30 minutes after such call was commenced. When the yeas and nays are taken, the names of the Senators shall be called alphabetically.

Name:

County:

273WPHSETWO

STATE OF MAINE

In House _____ Date _____

ORDERED, that House Rule 1 be amended to read:

1. It is the duty of the Speaker to take the chair at the hour to which the House has 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 within 7 legislative days, subject to an appeal to the House;

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

To authenticate by the Speaker's 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 the duties of Speaker during the Speaker's 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 those offices while the Legislature is not in session, to serve until the House in session elects a Clerk and Assistant Clerk; and to appoint a sergeant-at-arms, an assistant sergeant-at-arms, a document clerk, doorkeepers, a courier, and 5 pages, unless the House of Representatives otherwise directs. Any such appointments may be rescinded at any time by the Speaker;

To appoint honorary pages; and

To appoint legal counsel while the Legislature is in session.

ORDERED, that House Rule 19 be amended to read:

19. Every member who is in the House when a question is put where the member is not excluded by interest shall vote, unless the presiding officer for reasons excuses that member, and when yeas and nays are ordered, no member may leave the member's seat until the vote is declared; in all elections by the House, or on joint ballot of the two Houses, no member may leave the member's seat, after voting, before a return of the House is had. A call for yeas and nays must close no more than 30 minutes after such call was commenced.

Name:

Town:

273WPHSETWO

**REPORT OF THE
SUBCOMMITTEE ON LEGISLATIVE RULES
OF THE
LEGISLATIVE TQM COMMITTEE**

SUMMARY

The Subcommittee on Legislative Rules of the Legislature's Committee on Total Quality Management conducted a comprehensive review of the Legislative Joint Rules during the fall of 1995. As a result of its review, the subcommittee recommends revisions in the Joint Rules to (1) recodify current rules and (2) make certain substantive changes in the rules.

Recodification changes consist of various drafting revisions to current Joint Rules to:

- Reorganize the structure of the rules to make them easier to use and to amend in the future;
- Eliminate unnecessary provisions in the rules and reconcile duplicative and conflicting provisions within the Joint Rules and between the Joint Rules and chamber rules;
- Update the drafting style of the rules to current Revisor of Statutes drafting standards; and
- Simplify the rules and clarify ambiguities within the rules.

Substantive changes recommended to the Joint Rules are as follows:

- Permit departments, agencies and commissions to file after cloture legislation if approved by a majority, instead of two-thirds, of the Legislative Council (same as for legislator bills) (Joint Rule 205);
- Limit sponsorship and cosponsorship of legislation to one primary sponsor, one lead cosponsor in the opposite chamber and up to 5 other cosponsors (Joint Rule 206);
- Make the titles and names of sponsors of legislator-initiated and departmental bills public information at cloture. The titles of Governor's bills would be public at the time of filing unless the Governor directed that they remain confidential until printed (Joint Rule 207);
- Authorize the Revisor of Statutes to change bill titles and Statements of Fact to reflect the content of legislation and change the title of "Statement of Fact" to "Summary" (Joint Rule 209);

- Adds new language describing the responsibilities of joint standing committees (Joint Rule 301);
- Permit committees to establish their own procedures governing participation in questioning by members who testify on a bill at public hearing. The current joint rule prohibits questioning by members who testify (Joint Rule 304);
- Clarify that a quorum is required to start a committee meeting as well as to vote, but is not required to continue a meeting. The current joint rule is unclear on whether a quorum is necessary to start meetings (Joint Rule 306);
- If a quorum is present, permit committees to vote when no Senators are present if the Senate President authorizes it, rather than requiring the authorization of both the President and the Speaker (Joint Rule 306);
- Authorize a committee report recommending referral to another committee to be by other than unanimous vote (Joint Rule 310, subsection 2);

Permit a committee member absent from the State House Complex at the time the committee votes on a bill to record a vote with the committee clerk by noon on the second business day after the vote; and permit a committee member in the State House Complex but absent from committee to record a vote until 5:00pm on the day of the vote. This addition clarifies the current 48-hour rule and generally reflects current practice (Joint Rule 310, subsection 5);

- Permit a committee member to abstain from a committee vote only for a conflict of interest (Joint Rule 310, subsection 5);
- Authorize policy committees to appoint at least 3 but not more than 5 members to serve on the liaison subcommittee to the Appropriations and Financial Affairs Committee, rather than limiting the subcommittee to 3 members (Joint Rule 314, subsection 2); and
- Delete the following existing joint rules:

#12--Transaction of Legislative Business after 9:00 p.m. (more appropriately covered in chamber rules)

#12-A--Duration of Roll Calls (more appropriately covered in chamber rules)

#12-B--Questions posed to Chair (more appropriately covered in chamber rules)

#13-A--Joint Select Committee on Indian Affairs
(removes obsolete language and relects current
practice)

#18--Committee Inquiries and Reports (removes obsolete
language)

#36-A--Amendments to Indian Land Claims Settlement Act
(removes unnecessary language)

Changes from the current rules are identified in the text
of the attached draft, and notes following each Joint Rule
explain the of change being proposed.

The subcommittee recommends that the current Joint Rules be
revised during the Second Regular Session of the 117th
Legislature so that the changes proposed can be explained,
discussed and voted on as time permits this year. Such a
course of action avoids the need for hasty consideration and
adoption of the recodified and revised rules by the newly
installed First Regular Session of the 118th Legislature.
Adoption of the new rules at this time will require a 2/3 vote
in each chamber. Effected House and Senate rules should be
revised before the new Joint Rules are adopted.

In addition to the recodification and substantive changes
outlined here and described in the attached draft, the
subcommittee has identified several important issues which
should be addressed through joint rules changes. Due to lack
of time, the subcommittee has not completed deliberations on
those issues but plans to continue its work on them through the
second year of the biennium. Among the issues that the
subcommittee has identified for further consideration are:

- Concept drafting
- Budget process
- Minority reports
- New line-item veto Constitutional amendment
- New legislative review of agency rules law
- New legislative evaluation of state agencies law
- Fiscal notes
- Length of floor debate
- Blending committees of reference on bills that cross
jurisdictional lines
- Expanding Native American Representation

The Committee's deliberations also identified some issues that did not require changes in the rules but did warrant notation in this report as follows:

- The use by the Standing Committees of the motion of "Ought to Pass in New Draft" should be encouraged. The Committee found that the report of OTP-ND has all but been eliminated in an effort to save funds. The Committee recognized the increased costs that do occur from this report but thought that limited use may solve some problems connected with duplicate bills and the associated consideration of who is credited with sponsorship. It was also noted that Standing Committees should utilize the Joint Order process to receive authority to report out legislation when they have a number of competing bills on the same topic.
- The Committee also discussed the need to continue and expand training of new members. The increased turnover and associated lack of experience with the rules necessitate greater training opportunities for all members of the Legislature.

The subcommittee presents this report to the full Total Quality Management Committee for its consideration and recommendation to the Legislative Council.

**PROPOSED AMENDMENTS TO
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PROPOSED AMENDMENTS TO
JOINT RULES - 117TH LEGISLATURE

Part 1 General Provisions

Rule 101. Scope. (New)

These Joint Rules are adopted pursuant to the Constitution of Maine to assist in carrying out the responsibilities of the Legislative Branch. The rules govern the transaction of business by both chambers, between the chambers and by members of both chambers, including many of the activities of joint legislative committees. The business of the separate chambers and most actions of members are governed by chamber rules.

NOTE TO JR 101: This is a recodification change that proposes a new rule that identifies the Constitution as the ultimate source of authority for adoption of the rules and distinguishes the functions of Joint Rules and Chamber Rules. The purpose of the new rule is to help the user understand the context within which the Joint Rules operate.

Rule 102. Amendment of Rules. (old J.R. 13-B)

~~13-B.--Amendments-to-Rules.--Notwithstanding-Joint-Rule-9,~~
proposed-amendments-to-the-r Joint Rules may be adopted amended
by a majority vote in each House, ~~until-and-including~~ chamber
on or before the end of the session on the 3rd Friday in
January of the first regular session. After that, a vote of
two thirds of the members present in each chamber is required.

NOTE TO JR 102: This is a recodification change that consolidates the provisions of old JR 9 and 13-B (regarding adoption of joint rules), reflects current practice that the rules may be amended by majority vote before the 3rd Friday in January during the 1st session only, and makes drafting standards changes.

Rule 103. Suspension of Rules. (old J.R. 9)

~~9.--Rules.~~ Except as otherwise provided in Joint Rules
~~13-B-and-14 308,~~ no a joint rule or order shall may be
suspended ~~or-amended-without~~ only with the consent of two
thirds of the members present in each House chamber.

NOTE TO JR 103: This is a recodification change that consolidates the provisions of old JR 9 and 13 (regarding amendment of joint rules) and makes drafting standards changes.

Rule 104. Conflict of Interest. (old J.R. 10)

~~10.--Conflict-of-Interest.~~ No A member shall ~~be-permitted~~
~~to~~ may not vote on any question in either branch chamber of the

Legislature or in committee whose that immediately involves that member's private right, as distinct from the public interest, is immediately involved.

NOTE TO JR 104: This is a recodification change that makes drafting standards changes.

Rule 105. Payment of House and Senate Employees. (old J.R. 11)

~~11.--Employees.--The salaries of all officers and employees of the Senate and House of Representatives shall be established by the President of the Senate, the Speaker of the House and the Majority Floor Leaders of both the House and Senate. The Secretary of the Senate is authorized and directed to shall certify vouchers of the officers and employees of the Senate and the Clerk of the House is authorized and directed to shall certify vouchers of the officers and employees of the House in conformance with this Rule to the Executive Director of the Legislative Council.~~

~~Upon request from any member of the Legislature, the Executive Director of the Legislative Council shall provide salary range information for any position in the Legislature, including, but not limited to, employees of the President of the Senate, the Speaker of the House, the Secretary of the Senate, the Clerk of the House, the partisan offices, the nonpartisan offices, the chamber staff, the leadership staff and the committee clerks.~~

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 Executive Director of the Legislative Council.

NOTE TO JR 105: This is a recodification change that deletes language that is in conflict with statutory law regarding establishment of certain legislative employee salaries and revises language to reflect current law and practice with respect to providing information on legislative salaries.

Rule 106. Records of certain legislator expenses. (old J.R. 12-C)

~~12-C.--Records of Certain Legislator Expenses.--Upon request of any member of the Legislative Council in the majority party, the presiding officers shall provide to the requester records of total monthly or annual aggregate expenditures for telephone and postage solely for members in the majority party and, upon request of any member of the Legislative Council in the minority party, shall provide the same information to the requester solely for members in the minority party.~~

Upon request, the presiding officer of each chamber shall provide the Legislative Council or any council member the total

monthly or annual cost of phone expenses and of postage expenses for all members in the chamber. The presiding officers shall also provide monthly and annual phone and postage expenses of individual members upon the request of any member of the Council.

NOTE TO JR 106: This is a recodification change that clarifies ambiguous language and reflects current practice.

Rule 107. Notice of Legislative Council Meetings. (old J.R. 14-A)

~~14-A.--Notification-of-Meetings-of-the-Legislative Council.~~ Meeting times of the Legislative Council must be publicized, at a minimum, by posting notice on the door of the meeting room in a timely fashion. ~~Other means of notification may be employed as deemed necessary or feasible.~~ When feasible, other advance notice of Legislative Council meetings must be given.

NOTE TO JR 107: This is a recodification change that clarifies language.

Part 2 Legislation

Rule 201. Prefiling. (old J.R. 23)

~~23.--Prefiling.~~ Any A member-elect may present file bills and resolves ~~to the Clerk of the House or Secretary of the Senate~~ for introduction with the Revisor of Statutes prior to the convening of ~~any a~~ first regular session, ~~after which they become the property of the Legislature and may not be withdrawn by the sponsor.~~ ~~The Clerk or Secretary shall number and print such measures in advance of convening.~~

NOTE TO JR 201: This is a recodification change that deletes obsolete language, revises language to reflect current practice, and strikes language that is relocated to JR 401.

Rule 202. Cloture for Legislators at the First Regular Session. (old J.R. 25)

~~25.--Cloture-at-the-First-Regular-Session.--During-any-a first-regular-session,~~ All other requests for bills and resolves submitted by Legislators for a first regular session shall must be submitted in complete form, as provided in Joint Rule 208, to the Revisor of Statutes by 4:00 p.m. on the 3rd Friday in December, ~~except that for the First Regular Session of the 117th Legislature, cloture is 4:00 p.m. on the first Friday in January.~~

NOTE TO JR 202, 203, 204 AND 205: Recodification changes are proposed in old Joint Rules 24, 25, 26 and 27 to reflect

current practice, to delete obsolete language, to reorganize the rules, and to make drafting standards changes.

Rule 203. Cloture for Legislators at the Second Regular or Special Sessions. (old J.R. 26)

~~26.--Cloture-at-the-Second-Regular-or-Special-Sessions.~~
The Legislative Council shall set a cloture date and establish procedures for submission of legislation by Legislators to the Revisor of Statutes at any a second regular or special session. Procedures established for any a second regular session shall must ensure compliance with the requirements of the Maine Constitution of Maine, Article IV, Part Third, Section 1.

Any A vote of the Legislative Council to accept or reject a bill or resolve proposed for introduction under the procedures established under this Joint Rule shall must be taken by the yeas and nays, and that vote shall must be recorded and made available for public inspection.

Rule 204. Cloture for State Department, Agency or Commission Bills and Resolves. (old J.R. 24)

~~24.--Cloture-for-State-Department,-Agency-or-Commission Bills-or-Resolves.~~

1. Deadlines for Requests. No request for a bill or resolve may be submitted to the Revisor of Statutes on behalf of any state department, agency or commission after the first Wednesday in December.--If the Governor has been newly elected in November preceding the convening of the first regular session, any bill or resolve introduced on behalf of a state department, agency or commission shall be submitted within 30 days after the Governor is administered the oath of office. A state department, agency or commission may not file a request for a bill or resolve after the first Wednesday in December.

2. Deadline When Governor Newly Elected. If the Governor is newly elected and the November preceding the convening of the first regular session is the Governor's first term, then any bill or resolve submitted by a state department, agency or commission must be submitted within 30 days after the Governor is administered the Oath of Office.

2.3. Identification of Agency. Each A bill or resolve submitted for preparation under this rule shall must clearly designate, under the title, the department, agency or commission upon on whose behalf the bill or resolve is submitted.

~~3.--After-deadline-Requests.--Any request for a bill or resolve submitted under this rule after the first Wednesday in December in either the first or second regular session shall be considered an after-cloture request and shall be~~

~~transmitted to the Legislative Council by the Revisor of Statutes. The Legislative Council shall consider the facts supporting introduction notwithstanding cloture. If two-thirds of the Legislative Council approve the request for the bill or resolve, it shall be accepted for introduction. Notice of that action shall appear on the calendar of the appropriate House.~~

Rule 205. Filing after Cloture. (old J.R. 27)

~~27. Filing after Cloture.~~ Any A request for a bill or resolve submitted to the Revisor of Statutes by a Legislator or a department, agency or commission after the cloture date shall must be transmitted to the Legislative Council. The Council shall ascertain from the sponsor the facts supporting the request notwithstanding cloture. If a majority of the Council approves, ~~notice of that approval shall appear on the calendar of the appropriate House~~ the legislation is eligible for introduction as other legislation that is in compliance with Rules 202 or 203.

NOTE TO JR 205: This is a substantive change that permits departments, agencies and commissions to file legislation after cloture if approved by a majority of the Legislative Council, rather than two-thirds. The change is consistent with the requirement for introduction of legislator after cloture bills.

Rule 206. Sponsorship. (old J.R. 27-A, 28 & 28-A)

~~27-A. Primary Sponsorship.~~ ~~Notwithstanding any other Joint Rule, legislation.~~ 1. Number; Governor's bills. A bill, resolve, order, resolution or memorial may have 2 sponsors up to 7 sponsors: one primary sponsor, one lead cosponsor, one from each House the other chamber and 5 cosponsors from either chamber. Each bill or resolve requested by the Governor or a department, agency or commission must indicate the requestor below the title. ~~Notwithstanding Joint Rule 28, a bill, resolve, order, resolution or memorial shall must originate in whichever House agreed to by the primary sponsors, except that a revenue-raising bill must originate in the House of Representatives, in accordance with the Constitution of Maine, Article IV, Part Third, Section 9. This Rule takes effect on September 1, 1993.~~

28. Sponsorship and Identification of Agency. A sponsor of legislation may authorize an unlimited number of members of either House to cosponsor a bill, resolve, order, resolution or memorial. 2. Duplicate requests; Chamber of Origin. For duplicate or closely related bills or resolves, the Legislative Council may establish a policy for combination of requests and the number of cosponsors permitted on combined requests. A bill, resolve, order, resolution or memorial having cosponsors shall must originate in the House chamber of the primary sponsor. Each bill or resolve requested by the Governor or a department, agency or commission shall indicate the requestor below the title.

~~28-A.--Sponsorship-of-Legislation-by-Members-of-the Penobscot-Nation-and-the-Passamaquoddy-Tribe-Elected-to Represent-Their-People-at-Legislature.--Notwithstanding-House Rule-557-the.~~ 3. Indian representatives. The member of the Penobscot Nation and the member of the Passamaquoddy Tribe elected to represent their people at the biennial session of the 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.

NOTE TO JR 206: This is a substantive change that limits the number of sponsors and cosponsors to one primary sponsor, one lead cosponsor in the other chamber and up to 5 cosponsors. Recodification changes are also made to consolidate 3 rules into one and to make drafting standards changes.

Rule 207. Disclosure of Titles of Bills and Resolves. (New)

1. Legislator and Department Bills. The names of sponsors and titles of requests for bills and resolves submitted by legislators or by departments, agencies or commissions become public information on the cloture date and a list of titles and sponsors must be published as soon as practicable after cloture.

2. Governor Bills. The titles of requests for bills and resolves submitted by the Governor are considered public information on filing. The Governor may direct that the title of a particular bill or resolve remain confidential until that bill or resolve is printed.

NOTE TO JR 207: This new rule is a substantive change in the confidential treatment currently afforded bills and resolves before introduction. Earlier release of bill titles and sponsor names will permit committees and the presiding officers to more effectively organize their workloads and plan their schedules.

Rule 208. Requirements for Drafting. (old J.R. 29)

~~29.--Requirements-for-Drafting.~~ A request for a bill or resolve filed with the Revisor of Statutes ~~shall be~~ is considered complete when the request is properly titled and accompanied by sufficient instructions, information and data required for its preparation. Drafts prepared by an outside source must be filed in final form by the appropriate cloture date.

NOTE TO JR 208: This is a recodification change that makes drafting standards changes.

Rule 209. Bill Titles and Summaries. (old J.R. 30)

The Revisor of Statutes has authority to change the title of a bill or resolve to ensure that the title accurately and concisely reflects the content and scope of the bill or resolve. If the primary sponsor objects to the change, the President of the Senate and the Speaker of the House shall jointly decide what the title should be.

~~30.--Statement-of-Fact.~~ The Revisor of Statutes shall prepare and include a ~~concise-statement-of-fact-on~~ summary of all bills, resolves and amendments. ~~The-purpose-of-the statement-of-fact-is-to-provide-a-brief-summary-of-the-bill, resolve-or-amendment.~~ The Revisor of Statutes has authority to ensure that the summary is concise and accurately reflects the intent of the bill or resolve.

NOTE TO JR 209: This is a substantive change to change the title of the "Statement of Fact" to "Summary" and to authorize the Revisor of Statutes to change titles and summaries to reflect the substance of the bill.

Rule 210. Form. (old J.R. 31)

~~31.--Form.~~ All bills and other instruments, including bills proposed by initiative, shall must be allocated to the Maine Revised Statutes as appropriate and corrected as to matters of form, legislative style and grammar by the Revisor of Statutes before printing.

NOTE TO JR 210: This is a recodification change that makes drafting standards changes.

Rule 211. Signatures on Drafts of Bills, Resolves and Amendments. (old J.R. 32)

~~32.--Signing-of-Bills,-Resolves-and-Amendments.~~ The Revisor of Statutes shall notify the sponsor and ~~any cosponsor~~ of a bill or resolve shall ~~be-notified-by-the-Revisor-of~~ Statutes that the bill or resolve is ready in final form for signature. The primary sponsor is responsible for obtaining signatures from cosponsors. The primary sponsor and ~~any cosponsors~~ shall sign the bill or notify the Revisor of any changes that are necessary within deadlines established by the presiding officers. The primary sponsor shall present the signed cosponsor sheet to the Revisor. If the primary sponsor does not contact the Office of the Revisor of Statutes within this period, the bill ~~shall-be-considered-voided~~ is void.

If changes are requested, the Revisor of Statutes shall notify the primary sponsor when changes have been made and the bill is available for signature; and the primary sponsor and cosponsors shall sign the bill within the established deadlines. Further changes must be proposed to the committee

of reference. If the primary sponsor does not sign the bill within this period, ~~it shall be voided~~ the bill is void. If cosponsors do not sign the bill within either period, their names shall must be removed from the bill.

NOTE TO JR 211: This is a recodification change that reflects current practice and makes drafting standards changes.

Rule 212. Errors. (old J.R. 33)

~~33.--Errors--Mistakes~~ Clerical errors in bills and resolves, ~~merely clerical,~~ may be corrected upon suggestion by the Revisor of Statutes without motion to amend.

NOTE TO JR 212: This is a recodification change that reflects current practice and makes drafting standards changes.

Rule 213. Expressions of Legislative Sentiment. (old J.R. 34)

~~34.--Expressions-of-Legislative-Sentiment.~~ All expressions of legislative sentiment shall must conform to guidelines issued by the President of the Senate and the Speaker of the House and shall must be presented in ~~such a~~ manner as standardized by the Revisor of Statutes. ~~Notwithstanding House Rule-55, the member of the Penobscot Nation and the member of the Passamaquoddy Tribe elected to represent their people at the biennial session of the Legislature shall have the right and privilege to sponsor and cosponsor expressions of Legislative sentiment as if a regular member of the House.~~

The expressions of legislative sentiment shall ~~may~~ not be part of the permanent journal or the legislative record but shall must appear on the printed calendar or advance journal of each body. ~~The Clerk of the House and Secretary of the Senate~~ Secretary of the Senate and the Clerk of the House shall ~~cause print said the~~ expressions ~~to appear~~ in an appendix to the legislative record. When the Legislature is not in session the ~~Speaker of the House and the President of the Senate~~ President of the Senate and the Speaker of the House may authorize expressions of legislative sentiment at the request of legislative members.

NOTE TO JR 213: This is a recodification change that deletes language that has been relocated to JR 206 and makes drafting standards changes.

Rule 214. Memorials. (old J.R. 35)

~~35.--Memorials.~~ No A memorial shall ~~be~~ is not in order for introduction unless approved by a majority of the Legislative Council.

NOTE TO JR 214: This is a recodification change that makes drafting standards changes.

Rule 215. Actions Relating to the U.S. Constitution (old J.R. 35-A)

~~35-A.--Actions-Relating-to-the-United-States-Constitution.~~
All memorials, resolutions, applications and petitions which that relate to the Legislature's functions under the United States Constitution, Article V, shall ~~be~~ are in order for introduction without approval from the Legislative Council. Passage of these items shall must be accomplished as follows:

1. Any An item requesting the calling of a United States Constitutional Convention shall ~~require~~ requires a two thirds vote of the members present in each House chamber;
2. Any An item requesting ratification of an amendment to the United States Constitution shall ~~require~~ requires a majority vote of the members present in each House chamber; and
3. Any An item requesting any other action under the United States Constitution, Article V, shall ~~require~~ requires a majority vote of the members present in each House chamber.

NOTE TO JR 215: This is a recodification change that makes drafting standards changes.

Rule 216. Claims against the State (old J.R. 36)

~~36.--Claims-against-the-State.~~ A claim of an amount of \$2,000 or less shall ~~be~~ is in order for introduction only after the claim has been first disapproved or partially approved for payment under the Maine Revised Statutes, Title 5, section 1510-A. A claim of an amount greater than \$2,000 shall ~~be~~ is in order for introduction only in the form of a resolve authorizing a suit against the State.

NOTE TO JR 216: This is a recodification change that makes drafting standards changes.

Rule-217. Amendments-to-Indian-Claims-Settlement-Act-(old-J.R. 36-A)

~~36-A.--Amendments-to-"AN-ACT-to-Implement-the-Maine-Indian Claims-Settlement."--A-bill-amending-"AN-ACT-to-Implement-the Maine-Indian-Claims-Settlement,"-Maine-Revised-Statutes, Title 30, chapter 601, of which approval by an Indian tribe or Indian nation is required by the United States Code, Title 25, Section 1725-(e), shall contain a section stating that the Legislature has received and accepted a statement of that approval or a section containing a provision that the bill shall not take effect until that approval is received.~~

~~A-bill-amending-the-Revised-Statutes, Title 30, section 6205, subsection 1, paragraph B or subsection 2, paragraph B,~~

~~and adding lands to or including lands within Indian territory,~~
~~shall contain a section stating the recommendation of the Maine~~
~~Indian Tribal State Commission.~~

NOTE TO OLD JR 36-A: This is a substantive change that deletes unnecessary language.

Rule 217. Measures Rejected at a Prior Session (old J.R. 37)

~~37.--Measures-Rejected-at-a-Prior-Session.~~ No A measure which bill, resolve, constitutional resolution, resolution, memorial or order that has been introduced and finally rejected in any a regular or special session shall ~~may not~~ be introduced in any a subsequent regular or special session of the same Legislature except by vote of ~~two-thirds~~ two thirds of both Houses chambers.

NOTE TO JR 217: This is a recodification change that clarifies the term "measure" consistent with JR 404 and makes drafting standards changes.

Rule 218 Legislation filed pursuant to law or resolve (old J.R. 20)

~~20.--Legislation-filed-pursuant-to-law-or-resolve.~~ Any Legislation filed pursuant to law or resolve shall must specify identify the source of the legislation and shall must cite the law or resolve which that authorizes the filing. The legislation shall must be introduced in the House chamber of the sponsor or the House chamber of origin of the authorizing law or resolve.

NOTE TO JR 218: This is a recodification change that makes drafting standards changes.

Part 3 Legislative Committees

Subpart A Joint Standing Committees

Rule 301. Joint Standing Committee responsibilities and jurisdiction (old J.R. 13)

~~13.--Legislative-Committees.--Committees-play-an-essential role-in-the-legislative-process.--The-purposes-of-committee rules-are-outlined-in-the-Committee-Handbook.--The-rules-of procedure-in-committee-are-the-same-as-the-rules-of-the-Senate and-House-to-the-extent-these-are-applicable.~~ (Moved to Rule 304, 2nd ¶)

~~The-following-rules-govern-the-activity-of-all-committees in-the-Legislature.~~

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 3 MRSA 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:

- Considering and reporting to both chambers on legislation pending before the Legislature;
- Reviewing and making recommendations on budgeting and fiscal policy issues concerning state government;
- Conducting oversight and review of the actions of departments and agencies of state government including but not limited to review of agency rules under the Maine Administrative Procedure Act (5 MRSA chapter 375, subchapter II and II-A) and agency evaluations under the State Government Evaluation Act (3 MRSA, chapter 35);
- Reviewing and making recommendations on gubernatorial appointments that require legislative confirmation under 3 MRSA chapter 6;
- Performing other tasks assigned to them including but not limited to reviewing specific provisions of law, conducting studies on assigned topics, issuing reports on policy and legal issues of interest to the Legislature, reporting out specific legislation pursuant to joint order and authorizing the annual budgets of certain counties.

~~There shall be no more than~~ As authorized by 3 MRSA §165 there are 17 Joint Standing Committees which shall must be appointed ~~as follows~~ at the commencement of the first regular session, ~~viz~~ and which exercise jurisdiction in the following areas:

- On Agriculture, Conservation and Forestry
- On Appropriations and Financial Affairs
- On Banking and Insurance
- On Business and Economic Development
- On Criminal Justice
- On Education and Cultural Affairs
- On Human Resources
- On Inland Fisheries and Wildlife
- On Judiciary
- On Labor
- On Legal and Veterans Affairs
- On Marine Resources
- On Natural Resources
- On State and Local Government
- On Taxation
- On Transportation
- On Utilities and Energy

NOTE TO JR 301: Old Joint Rule 13 is very long and has been divided into several new rules. This new rule represents a recodification change that rewrites part of old rule 13 to delete unnecessary language and language that has been moved to JR 304. This rule retains the same committee jurisdictions and adds a substantive language change describing the responsibilities of joint standing committees.

Rule 302. Membership (old J.R. 13)

Each of these committees shall consists of ~~no-more-than~~ 13 members, 3 on the part of the Senate and ~~no-more-than~~ 10 on the part of the House. The first named Senate member shall-be is the Senate chair. The first named House member shall-be is the House chair. The Senate chair shall preside and in the Senate chair's absence, the House chair shall preside and, thereafter, as the need may arise, the chair shall alternate between the members from each House chamber in the ~~order-sequence~~ of their appointment to the committee. The sequence of appointment for the biennium is as announced by the presiding officers in each chamber. Every member of the Senate and House of Representatives ~~and-the-Senate~~ is entitled to at least one initial committee assignment.

NOTE TO JR 302: This is a recodification change that reflects current practice, makes drafting standards changes and clarifies the meaning of "order of appointment" for purposes of determining succession to the chair.

Rule 303. Committee Clerks (old J.R. 13)

The hiring of all committee clerks must be mutually agreeable to both the Senate and House chairs. If not agreeable to both, the President of the Senate and Speaker of the House shall decide. Committee clerks serve at the pleasure of the President of the Senate and the Speaker of the House. The salaries of each committee clerk are established by the President of the Senate and the Speaker of the House ~~and-must~~ and their employment terminates no later than the end of the session.

NOTE TO JR 303: This is a recodification change that deletes obsolete language.

Rule 304. Procedures for Public Hearings and Work Sessions (old J.R. 13)

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 House to the extent applicable. (moved from 1st ¶ of old J.R. 13) Committee procedures must be consistent with these rules-and-posted-and-made-available-upon request-at-all-public-hearings-and-work-sessions.

~~These committees may report by bill or otherwise.~~ The presiding chair shall decide all questions of order, subject to appeal to the committee. The chair's ruling shall stand unless overruled by a majority vote of the committee membership.

Scheduling of bills to be considered in public hearing and working sessions shall 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 ~~shall~~ decide.

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 which 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.

NOTE TO JR 304: This is a substantive change that adds new language to grant committees flexibility in adopting rules governing the actions of members who testify on bills when those members also wish to ask questions of others who testify on the same bill. Recodification changes are also made that delete obsolete language, add language that has been moved from other rules and clarify existing language.

Rule 305. Scheduling Public Hearings and Work Sessions.
(old J.R. 13)

At the beginning of each regular session, each committee shall recommend to the presiding officers specific days for its public hearings and work sessions, taking into consideration the availability of assigned staff and hearing rooms. Upon approval of the schedule by the presiding officers, the chairs shall try to schedule all committee work on those days. Each committee shall distribute a detailed list of hearings and work sessions that have been scheduled for the following week to all committee members. This schedule must also be posted.

Public hearings must be advertised two weekends in advance of the hearing date. All exceptions must be approved by both presiding officers.

The committee shall direct the committee clerk to notify all sponsors of the bill of the public hearing and work session on the bill.

It is the intent of the Legislature that no person be denied access to committee public hearings and work sessions because of a disability. Committees shall provide reasonable access for disabled persons to their proceedings.

NOTE TO JR 305: This is a recodification change that adds language that has been moved from other rules to this rule and adds new language on access to committee meetings by disabled persons.

Rule 306. Quorum (old J.R. 13)

~~Questions-of-Order.--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. (Duplicated in Rule 304, third paragraph.)~~ A quorum of is seven or more members and a quorum must be present to start a meeting or to take a vote. A quorum is not required to continue a meeting. If a quorum is present, but there is not a Senator among ~~them~~ those present, the committee may take a vote only with the authorization of the ~~presiding-officers~~ President of the Senate.

NOTE TO JR 306: This rule makes a substantive change to authorize a committee to vote when there are no Senators present if the President of the Senate authorizes it rather than also requiring authorization by the Speaker. The rule is also changed to clarify that a quorum is necessary to start a meeting, but not to continue a meeting once started. This rule also makes recodification changes to reflect current practice and to delete language that is moved to JR 304.

Rule 307. Testimony (old J.R. 13)

~~Notwithstanding-Joint-Rule-38, the-use-of-testimony-under oath-for-public-hearings-pursuant-to-the-Maine-Revised Statutes, Title-3, section-165, subsection-7-requires-prior approval-by-the-Legislature.~~ Testimony before a joint standing committee is not presented under oath, except, that a committee is authorized to administer oaths in the case of legislative confirmation hearings under 3 MRSA, section 151 and may be so authorized by the Legislature when the committee is acting as a special investigating committee under 3 MRSA, section 165, subsection 7.

All written materials presented to the committee must bear the name, address and affiliation, if applicable, of the presenter and the date presented.

~~A-committee-member-who-testifies-on-a-bill-referred-to-that committee-may-not-ask-questions-of-other-persons-testifying-on that-bill-at-the-public-hearing. (covered in J.R. 304)~~

~~Advertising.--Public-hearings-must-be-advertised-two weekends-in-advance-of-the-hearing-date.--All-exceptions-to this-rule-must-be-approved-by-both-presiding-officers. (moved to J.R. 306)~~

~~Advance-Notification-to-Bill-Sponsors.--The-committee-shall direct-the-committee-clerk-to-notify-the-bill-sponsors-as-seen as-the-bill-is-scheduled-for-public-hearing-and-for-all committee-work-sessions. (moved to J.R. 306)~~

NOTE TO JR 307: This is a recodification change that clarifies current language and deletes duplicative language and language that has been moved to other rules.

Rule 308. Reference of Bills to Committee (old J.R. 14)

14.--Reference-of-Bills-to-Committee. All bills and resolves must be referred to committee, except that this provision may be suspended by a majority vote taken by a division in each chamber

1. Legislature in Session. When the Legislature is in session the The Secretary of the Senate and the Clerk of the House shall, after conferring together, jointly suggest an appropriate committee reference for every bill, resolve and petition offered in either House. Upon their agreement, the suggested reference shall must be placed upon the Advance Journal and eCalendar of each House chamber. If, however, they are unable to agree, the question of reference shall must be referred to a conference of the President of the Senate and the Speaker of the House. Upon their agreement, the suggested reference shall must be placed upon the Advance Journal and eCalendar of each House chamber. If, however, they are unable to agree, the question of suggested reference shall must be referred to the Legislative Council for resolution. Upon the decision of the Legislative Council, the suggested reference shall must be placed upon the Advance Journal and eCalendar of each House chamber.

~~When-the-Legislature-is-in-recess-the-Clerk-of-the-House and-Secretary-of-the-Senate-shall-refer-the-bills-to-the appropriate-joint-standing-committee-for-public-hearing-and order-printing,-subject-to-the-approval-of-the-Speaker-of the-House-and-the-President-of-the-Senate. (moved to below)~~

Each suggested reference appearing upon the Advance Journal and Cealendar of each House chamber shall 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 House Rule 53, Senate Rule 33 and Joint Rule 9 103, a majority vote shall be 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 Clerk of the House and Secretary of the Senate may refer the bills to the appropriate joint standing committee for public hearing and order printing, subject to the approval of the Speaker of the House and the President of the Senate.

NOTE TO JR 308: This is a recodification change that restructures old JR 14, makes drafting standards changes and clarifies the process for referral of bills by the Clerk and the Secretary when the Legislature is not in session.

Rule 309. Notice to Report (old J.R. 13)

~~Notice-to-Report.~~ A joint standing committee to which a bill or resolve has been referred shall, after receiving notice of the reporting deadline from the President of the Senate and the Speaker of the House, report that bill out of committee to the floor for consideration in accordance with that deadline.

Rule 310. Reports of Bills from Committee (old J.R. 15)

~~15.--Reports-of-Bills-from-Committee.~~

1. Deadline for Reports. The Joint Standing Committees shall report out every bill which that has been referred to them in the manner prescribed in these rules and in accordance with deadlines established by the presiding officers.

2. Committee Reports. ~~Committees-shall-report-out-every bill-that-has-been-referred-to-them-in-accordance-with deadlines-established-by-the-presiding-officers-and-in-the manner-prescribed-in-these-rules.~~ (Duplicated above) The report of the committee must include a recommendation. ~~Reports-that-may-be-recommended-unanimously-or-by-a plurality-of-the-committee-include~~ Recommendations that may be made are:

Ought to Pass

Ought to Pass as Amended

Ought to Pass in New Draft. ~~The-use-of-this-report requires-the-approval-of-both-presiding-officers.~~

Ought Not to Pass

Refer to Another Committee

~~The-report-Referral-to-Another-Committee-requires-a unanimous-vote-of-the-committee.~~

When the committee recommendation is not unanimous, a minority report or reports are required. All reports on any legislative document must be submitted to the Legislature at the same time.

3. Unanimous Ought Not to Pass Report. When all-13 members-of a Joint Standing Committee votes unanimously to report a bill Ought Not to Pass, the committee shall notify the presiding officers, the sponsor and cosponsors of the bill of their action. This communication must appear on the calendar in each House chamber, and the bill shall must, upon notification of both Houses chambers, be placed in the legislative file and ~~disposed-of-as-provided-in subsection-4-as-prescribed-herein~~ may be recalled only as provided in Rule 404.

~~4.--Two-thirds-Required.--When-a-bill-or-resolve-is-placed in-the-legislative-file-pursuant-to-subsection-3,-no further-action-shall-be-taken-following-such-disposition unless-the-bill-or-resolve-is-recalled-for-reconsideration by-a-vote-of-two-thirds-of-both-Houses. (Duplicates J.R. above & J.R. 404)~~

54. Ought to Pass in New Draft Report. When the changes voted by the committee are major, the committee may elect to report the bill out Ought to Pass in New Draft with authorization of the presiding officers. When a plurality of the committee recommends this report, the chairs shall submit a request for authority to report the bill out in this fashion. When the committee recommendation is not unanimous, a minority report is required. New drafts printed pursuant to these rules shall must include the legislative document number that the new bill replaces with the names of the original sponsor and cosponsors. The Secretary of the Senate and the Clerk of the House shall determine the number of copies which shall must be printed of each new draft.

65. Committee Voting. A-quorum,-comprising-a-majority-of the-committee,-which-equals-seven-members-for-a thirteen-member-committee,-must-be-present-in-order-for-a vote-to-be-taken.--If-a-quorum-is-present,-but-there-is-not a-Senator-among-them,-the-committee-may-take-a-vote-only with-the-authorization-of-the-presiding-officers. (Duplicates J.R. 306)

The committee clerk shall prepare the committee jacket or jackets following the vote and obtain signatures from committee members as required. ~~A-committee-member-who-is absent-from-the-committee-on-the-day-of-the-vote-has-48 hours-to-register-the-member's-vote.~~ 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 State Office Building at the time of the vote, that member's vote may be registered with the Clerk up until noon on the second business day following the vote.

B. If any member is absent from Committee at the time of the vote but present in the State House or 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, no question may be decided and no official action may be taken in the absence of a quorum.

NOTE TO JR 310: This rule makes substantive changes to permit committees to recommend referral of a bill to another committee by other than unanimous report, to clarify the operation of the 48 hour rule for voting on bills in committee and to clarify situations in which a member may abstain from voting. Recodification changes are made to reflect current practice, to delete duplicative language, and to make drafting standards changes.

Rule 311. Errors and Inconsistencies Legislation (old J.R. 21)

~~21.--Reporting-out-Errors-and-Inconsistencies-Legislation.~~
Prior to reporting out any omnibus bill concerning errors and inconsistencies in the Laws of Maine, the Joint Standing Committee on Judiciary shall, after giving notice and an opportunity to be heard, hear proposed amendments and determine which amendments shall may be included in the bill reported out. No floor amendment shall may be entertained in either House chamber unless the amendment is printed and distributed at least 24 hours prior to introduction.

NOTE TO JR 311: This is a recodification change that makes drafting standards changes.

Rule 312. Fiscal Notes (old J.R. 22)

~~22.--Fiscal-Notes.~~ Every bill or resolve affecting state revenues, appropriations or allocations or that requires a local unit of government to expand or modify that unit's activities so as to necessitate additional expenditures from local revenues and that has a committee recommendation other than Ought Not to Pass or referral to another committee must include a fiscal note. This statement must be incorporated in the bill before it is reported out of committee. Any amendment

introduced that would affect the fiscal impact of the original bill must also include a fiscal note. The Office of Fiscal and Program Review has the sole responsibility for preparing all fiscal notes.

NOTE TO JR 312: This is a recodification change that makes a technical correction in the text.

Rule 313. Confidentiality. (old J.R. 13)

The committee shall protect confidential records, including those records excluded from the definition of "public records" under the freedom of access laws, Maine Revised Statutes, Title 1, section 402, subsection 3 from public disclosure by holding executive sessions to discuss information contained in such records. Executive sessions must be held in accordance with the provisions of the freedom of access laws, Maine Revised Statutes, Title 1, section 401, et seq.

Before the committee files leave the custody of the committee, the committee chairs shall direct the custodian of the files to protect the confidentiality of the records in any appropriate manner, including returning the records to the person or department from which they came; destroying the records; or blocking out personally identifying information in the records and retaining them in the files, if the law declaring the records confidential permits disclosure in this manner.

The committee chairs shall also ensure that the files include a notation indicating what type of confidential records were reviewed by the committee.

~~Rule-314--Smoking-~~ (old J.R. 13)

~~No-one-may-smoke-in-committee-rooms-at-any-time-~~

NOTE: This is a recodification change to delete obsolete language.

Rule 314. Participation in Budget Hearings and Work Sessions
(old J.R. 13)

As used in this Rule, "policy committee" means a joint standing committee or joint select committee of the Legislature having subject matter jurisdiction other than the Joint Standing Committee on Appropriations and Financial Affairs.

In regard to the Governor's biennial budget recommendations, the Legislature shall set priorities and implement policy as follows:

1. Budget recommendations made by the Governor on areas within the jurisdiction of a policy committee must be

initially heard jointly by the Appropriations and Financial Affairs Committee and the appropriate policy committee having jurisdiction over the subject matter presented;

2. Each policy committee shall appoint a subcommittee of at least three and not more than five of its members to serve as liaisons to the Appropriations and Financial Affairs Committee. At least one ~~One~~ member of the subcommittee must be appointed by the Senate chair of the policy committee and the remaining at least two members must be appointed by the House chair of the policy committee. This subcommittee must include members of ~~both the majority and minority~~ the two parties holding the largest number of seats in the Legislature. Whenever possible, the Appropriations and Financial Affairs Committee shall notify each member of a policy committee subcommittee in a timely manner of all subsequent deliberations on budget items relative to that ~~subcommittee's~~ committee's jurisdiction. Each committee through its subcommittee shall advise the Appropriations and Financial Affairs Committee of its respective policy committee's recommendations regarding budget items relative to that committee's jurisdiction and through its subcommittee may participate in all subsequent deliberations of the Appropriations and Financial Affairs Committee on these budget items;

3. The membership of each subcommittee must be published in the Legislative Advance Journal and Calendars and, ~~if time permits,~~ printed in the Senate and House Register;

4. Each policy committee shall provide the Appropriations and Financial Affairs Committee with the policy committee's recommendations regarding the relevant part of the Governor's budget. These recommendations must be delivered within a time period set by the chairs of the Appropriations and Financial Affairs Committee after consultation with the chairs of the policy committee and in no case may the time period be less than ten days following the initial joint hearing unless mutually agreed upon. The recommendations must be made within the budgetary constraints set by the Appropriations and Financial Affairs Committee;

5. Following submission of the policy committee's biennial budget recommendations within established budget constraints, each policy committee may recommend additional funds for program priorities that exceed the original budgeting constraints and if recommendations for additional funds are made, the committee shall explain those recommendations;

6. The Appropriations and Financial Affairs Committee shall consider the policy committees' budget recommendations during the Appropriations and Financial Affairs Committee's deliberations, but retains sole decision-making authority on budget matters; and

7. In-addition, ~~w~~ Within five legislative business days after reporting out all bills involving appropriations or revenues, the policy committees shall submit to the Appropriations and Financial Affairs Committee a list indicating these committees' priorities for final passage of these bills.

NOTE TO JR 314: This is a substantive change to authorize committees to appoint liaison subcommittees of up to 5 members to work with the Appropriations and Financial Affairs Committee. The current size of the subcommittee is 3 members. Other recodification changes are made to clarify current language. The length of time committees have following reporting out their bills to prioritize their bills on the Appropriations Table is changed from 5 legislative days to 5 business days.

Subpart B Special Legislative Committees

Rule 351. Joint Select Committees (old J.R. 16)

~~16. -- Joint Select Committees. Joint Select Committees select committees shall consist of three on-the-part-of-the Senate and seven on-the-part-of-the House~~ Senators and 7 members of the House of Representatives, unless the order creating the ~~same shall~~ committee provides a different number.

Whenever a select committee shall be is appointed by either House and be joined by the other, it shall be the duty of both chambers the Secretary of the Senate, ~~or~~ and the Clerk of the House, as the case may be, to transmit one to the other the names of the members so joined, in order shall inform each other of the names of the members so that they the names may be entered upon the journal Advance Journal and Calendar of each House chamber.

NOTE TO JR 351: This is a recodification change that makes drafting standards changes.

Rule 352 Joint Select Committee on Indian Affairs (old J.R. 13-A)

~~13-A. -- Joint Select Committee on Indian Affairs. -- There shall be a Joint Select Committee on Indian Affairs to review all legislation relating to Indians and Indian land claims after its submission to a joint standing committee but before a public hearing is held on that legislation. -- The committee shall consist of the representatives from House Districts 121, 134 and 142, the Senators from Senate Districts 3, 4 and 7, the member of the Penobscot Nation and the member of the Passamaquoddy Tribe elected to represent their people at the Legislature and the executive secretary of the Tribal State Commission. -- The President of the Senate and the Speaker of the~~

~~House of Representatives shall serve as ex-officio members of the committee. The Joint Select Committee on Indian Affairs may make recommendations to the joint standing committee to which the legislation is referred.~~

NOTE: This is a substantive change that deletes the rule establishing the Joint Select Committee on Indian Affairs to reflect current practice.

Rule 352. Committees of Conference (old J.R. 17)

~~17.--Conference Committees.~~ When disagreeing action between the chambers has occurred, a committee of conference is in order. Committees of conference shall consist of three members ~~on the part of~~ from each House, ~~representing its vote~~ chamber who voted on the prevailing side. A committee of conference shall meet and submit a report, ~~agreed to by a~~ majority of each committee ~~or unable to agree~~ within 10 legislative days to the branch chamber asking for the conference. The report must be agreed to by a majority of the members from each chamber. The committee report may be that it is unable to agree. The committee This report may be either accepted or rejected, but no other action shall may be had except through another committee of conference. ~~If the committee of conference is unable to agree, the President of the Senate and the Speaker of the House may appoint a new committee.~~ If necessary, a new committee of conference may be formed.

NOTE TO JR 352: This is a recodification change that clarifies language and makes drafting standards changes.

Rule 353--Committee Inquiries and Reports (old J.R. 18)

~~18.--Committee Inquiries and Reports.~~ Orders directing inquiry in relation to an existing statute shall state the subject matter of such statute and also the title and section to which the inquiry is directed.

In presenting a report upon any matter referred to a committee, such report shall set forth the subject referred, and the substance shall also be briefly endorsed on the back of the same.

If a committee responds to an order directing inquiry upon any matter by presenting a report recommending legislation, such legislation shall be introduced when the report is transmitted to the Legislature. This legislation shall bear the designation of the committee reporting.

NOTE: This is a substantive change that deletes obsolete language.

Rule 353. Study Committee Reports (old J.R. 19)

~~19.--Study-Reports.~~ Committees shall take final action on studies authorized to undertake studies by the Legislative Council shall complete the studies, including reports and accompanying necessary implementing legislation, by the date established annually by the Legislative Council.

Any committee which that finds that it is unable to comply with these its deadlines shall submit a written request for an extension to the Legislative Council prior to the deadline.

NOTE to JR 353: This is a recodification change that clarifies language and makes drafting standards changes.

Part 4 Floor Action on Legislation

Rule 401. Printing of bills (old J.R. 1)

~~1.--Printing.--Whenever a document shall be printed under the Joint Rules governing the procedure following a favorable committee report, a sufficient number of copies shall be delivered to the Sergeant at Arms of each House for the members and officers thereof and the balance shall be delivered to the Document Clerk, who shall reserve sufficient copies for the departments and binding, twenty copies for the committee having the same under consideration, and shall be responsible for the equitable distribution of the remainder.~~

Every bill or resolve submitted by a legislator must be printed unless withdrawn by the sponsor before printing. After it is printed, a bill or resolve is considered to be in the possession of the Legislature and may not be withdrawn by the sponsor. Every bill presented for reference to committee or to be engrossed without reference to committee must be printed before appearing on the Advance Journal and Calendar of either chamber.

Every amendment must be printed and distributed before being taken up in either chamber. Every committee amendment must indicate the committee making the report.

The Secretary of the Senate and the Clerk of the House of Representatives are responsible for the printing and initial distribution of legislative documents and amendments.

NOTE TO JR 401 AND 402: Old JR 1 and and part of 2 are combined in JR 401. Recodification changes have been made in JR 401 and 402 to delete obsolete language and make drafting standards changes.

Rule 402. Consideration of Bills (old J.R. 2)

~~2.--Consideration of Legislation.--Every bill or resolve reported in either House by a committee shall be printed and distributed in both Houses before having its first reading.~~

~~Bills-not-already-printed-and-new-drafts-shall-be-printed immediately-after-the-reports-are-deposited-in-the-office-of the-Secretary-of-the-Senate-or-the-Clerk-of-the-House--The printed-copies-shall-show-by-what-committee-the-bill-or-resolve was-reported-~~

When a bill, resolve, order or memorial shall pass one House chamber, if rejected in the other House chamber, it shall must be returned by the Secretary or Clerk, as the case may be, for further consideration.

Rule 403 Amendment of bills (old J.R. 3)

~~3.-Debate-and-Amendment--No-debate-or-amendment-shall-be permitted-on-any-bill-or-resolve-until-such-bill-or-resolve-is before-the-Senate-in-the-second-reading-or-before-the-House-in the-second-reading,--provided-the-favorable-report-of-the committee-to-which-the-bill-or-resolve-has-been-referred-has been-accepted-~~

A floor amendment may not be permitted on any bill or resolve until a favorable report of the committee to which the bill or resolve has been referred has been accepted and the bill or resolve is before the Senate in the second reading or before the House in the second reading.

NOTE TO JR 403: This is a recodification change that deletes language governing debate because that is a subject that should be covered in chamber rule and makes drafting standards changes.

Rule 404 Rejection of Bills (old J.R. 4)

~~4.--Rejection-of-Bills-~~ No A bill, or resolve, constitutional resolution, resolution, memorial or order that is finally rejected shall may not be recalled from the legislative files except by joint order approved by a vote of two-thirds of both Houses chambers.

NOTE TO JR 404: This is a recodification change that makes drafting standards changes.

Rule 405 Engrossing of Bills (old J.R. 4-1)

~~4-A.--Engrossing-of-Bills-~~ Notwithstanding Senate Rule 23 and House Rule 48, the President of the Senate or the Speaker of the House may order any bill or resolve to be engrossed upon its introduction to either the Senate or the House. Any bill or resolve engrossed pursuant to this rule shall must be committed to the Committee on Engrossed Bills whose duties shall be to examine the same and to see that the same have been truly engrossed. Before any bill shall is passed to be enacted, or any resolve finally passed, it shall must be reported by that committee to be truly and strictly engrossed, and the title thereof read by the President or the Speaker.

NOTE TO JR 405: This is a recodification change that makes drafting standards changes.

Rule 406 Enactment of Bills (old J.R. 5)

~~5.--Enactment-of-Bills.~~ Every bill that shall have has passed both Houses chambers to be enacted and all resolutions having the force of law, that shall have finally passed both Houses chambers, shall must be presented by the Secretary of the Senate to the Governor for approval; and the Secretary of the Senate shall enter on the journal of the Senate the day on which such bills or resolutions are so presented to the Governor.

NOTE TO JR 406: This is a recodification change that makes drafting standards changes.

Rule 407 Responsibility for Legislative Papers (old J.R. 6)

~~6.--Responsibility-for-Legislative-Papers.~~ All endorsements on papers while on their passage between the two Houses chambers shall be under the signature of the Secretary of the Senate or the Clerk of the House, respectively; but after the final passage of bills and resolves they shall be signed by the presiding officer of each House chamber.

Where one House chamber has passed upon a legislative paper and forwarded it to the other, the receiving House chamber shall promptly, upon receipt, place that paper on its calendar.

NOTE TO JR 407: This is a recodification change that makes drafting standards changes.

Rule 408 Joint Conventions (old J.R. 7)

~~7.--Conventions.~~ No business may be transacted in convention of the two Houses chambers unless by unanimous consent of the convention in the convention, except for such business as may be agreed upon by the two Houses chambers before the convention is formed.

NOTE TO JR 408: This is a recodification change that makes drafting standards changes.

Rule 409. Communications (old J.R. 8)

~~8.--Communications.~~ Whenever a message shall be sent from the Senate to the House, the Chair shall appoint a messenger, who after being recognized, shall announce the message respectfully to the Chair.

In a like manner, messages from the House shall be communicated to the Presiding Officer of the Senate.

~~Rule-410 Transaction-of-Legislative-Business-after-9+00-p.m.
(old-J.R.-12)~~

~~12.--Transaction-of-Legislative-Business-after-9+00-p.m.
No-business-shall-be-transacted-in-either-House-after-the-hour
of-9+00-p.m.-without-the-affirmative-vote-of-2/3-of-the-members
present-and-voting.~~

~~Rule-411 Duration-of-Roll-Calls;-Calls-for-Yeas-and-Nays-(old
J.R.-12-A)~~

~~12-A.--Duration-of-Roll-Calls;-Calls-for-Yeas-and-Nays.--A
roll-call-in-the-Senate,-or-a-call-for-yeas-and-nays-in-the
House-must-close-no-more-than-30-minutes-after-such-call-was
commenced.~~

~~Rule-412 Questions-Posed-to-Chair-(old-J.R.-12-B)~~

~~12-B.--Questions-Posed-to-Chair.--When-a-question-is-posed
to-the-Chair-by-a-member-in-the-Senate-or-the-House,-the
presiding-officer-must-respond-to-the-question-within-7
legislative-days.--Pending-the-presiding-officer's-response-to
the-question,-the-item-about-which-the-question-was-posed-must
be-tabled.~~

NOTE TO OLD JR 12, 12-A AND 12-B: These are substantive changes that delete language that should be chamber rules.

Part 5 Legislative Confirmations

Rule 501. Notice of Gubernatorial Appointments (old J.R. 38)

~~38.--Legislative-Confirmation-of-Gubernatorial
Appointments.--The procedures for legislative confirmation are
established in the Maine Revised Statutes, Title 3, Chapter 6.
Upon receipt by the President of the Senate and Speaker of the
House of notification from the Governor of the name of a
nominee and of the office to which that person is nominated,
the President of the Senate and Speaker of the House shall,
without delay, forward that notice and copies of accompanying
materials to the Chairs of the Joint Standing Committee which
that is charged by law with reviewing nominations to that
office, to the Legislative Information Office and to the 2
partisan staff assistants for nominations. The Legislative
Information Office shall establish an official file for each
nominee.~~

NOTE TO JR 501 THRU 508: Recodification changes have been made to old JR 38 and 39 to reorganize the content into 8 parts--new JR 501 through 508. Drafting standards changes are also made. New language dealing with testimony under oath is added which is consistent with statutory law.

Rule 502. Partisan Staff Assistants for Nominations (old J.R. 39)

~~39.--Partisan-Staff-Assistants-for-Nominations.~~ The members of the Legislative Council representing the each party with the largest number of members in the Legislature shall, within 7 legislative days after the convening of the first regular session, appoint a partisan staff assistant for nominations. ~~The members of the Legislative Council representing the party with the next largest number of members in the Legislature shall also, within 7 legislative days after the convening of the first regular session, appoint a partisan staff assistant for nominations.~~ Each of these assistants shall ~~serve~~ serves at the pleasure of the appointing authority during the biennium for which the assistant is chosen. A vacancy in either of these positions shall ~~must~~ be filled for the remainder of the biennium in the same manner as the original appointment. Partisan staff assistants for nominations shall provide all necessary assistance to each joint standing committee required by law to recommend action on a gubernatorial nominee.

Rule 503. Committee Preconference Hearing. (Old J.R. 38)

The joint standing committee shall ~~may~~ hold a prehearing conference within 21 days of the notification from the Governor ~~unless the committee decides otherwise.~~ The prehearing conference must be consistent with the Maine Revised Statutes, Title 3, ~~chapter 6~~ section 156.

Rule 504. Committee Public Hearing. (Old J.R. 38)

The joint standing committee shall hold a public hearing on the nomination in Augusta at a time convenient to the public within 30 days, or 35 days for judicial officers, from the date of the Governor's notice of the nomination to the President of the Senate and Speaker of the House. The Legislative Information Office shall ~~cause to be published~~ publish in the state paper and in a newspaper of general circulation in the area where the nominee resides at least 7 days before the hearing a notice of that hearing, which shall ~~must~~ contain the time and place of the hearing, the name of the nominee, the office to which that person has been nominated and a general description of the duties of that office ~~and.~~ The notice must also contain a statement that written comments relevant to the qualifications of the nominee together with supporting materials may be filed with the Legislative Information Office by 9 a.m. on the hearing date. At the hearing, the committee shall take written or oral testimony ~~which shall be~~ limited to relevant comments and questions regarding the qualifications of the nominee. Notwithstanding Title 3, §151, for the purposes of reviewing nominations pursuant to this rule, the joint standing committee has the power to administer oaths and to take testimony under oath. All testimony taken at the hearing shall

~~must be transcribed-by-mechanical-means recorded~~, and testimony and other materials received by the committee ~~shall~~ must be preserved according to the Maine Revised Statutes, Title 3, section 159. The 2 partisan assistants for nominations shall provide the committee with a written report of their investigations before the committee votes to recommend or deny confirmation.

Rule 505. Committee Vote. (Old J.R. 38)

Within 35 days, or 40 days for judicial officers, from the date of the Governor's notice of the nomination to the President of the Senate and Speaker of the House, the committee shall recommend confirmation or denial by majority vote of the committee members present and voting. The vote of the committee ~~shall~~ may be taken only upon an affirmative motion to recommend confirmation of the nominee, and a tie vote of the committee ~~shall-be~~ is considered a recommendation of denial. A vote may not be taken sooner than 15 minutes after the close of the public hearing unless by agreement of all committee members present. The committee vote ~~shall~~ must be by the yeas and nays. The chairs of the committee shall send written notices of the committee's recommendation to the President of the Senate.

Rule 506. Senate Vote. (Old J.R. 38)

Within 45 days, or 50 days for judicial officers, from the date of the Governor's notification of the nomination to the President of the Senate and the Speaker of the House, the Senate shall review the recommendation of the committee on the nomination, and, after review, shall vote by the yeas and nays on that recommendation.

After vote by the Senate, the committee's recommendation ~~shall-become~~ becomes final action of confirmation or denial unless the Senate by a vote of 2/3 of those members present and voting overrides the committee's recommendation. If the committee recommends to deny confirmation, and the Senate votes, by a vote of 2/3 or greater of those members present and voting, to override the committee's recommendation, the nomination ~~shall-be~~ is deemed confirmed. Following Senate confirmation or denial, notice of the action taken ~~shall~~ must be given to the Speaker of the House.

Rule 507. Withdrawal of Nomination. (Old J.R. 38)

~~Once~~ If the Governor withdraws a nomination at any time prior to the Senate vote, by sending a written notice of withdrawal to the President of the Senate, the Legislature ~~shall~~ may take no further action on that nomination.

Rule 508. Nomination Made Within 30 Days of Adjournment. (Old J.R. 38)

If the Governor posts a nomination within 30 days preceding the statutory date of adjournment, a legislative committee to whom a nominee is to be referred for confirmation review may, by 2/3 vote, request the President of the Senate and the Speaker of the House of Representatives to delay this review in order to complete the committee's legislative work. If the President of the Senate and the Speaker of the House of Representatives approve the request, the time periods for legislative action begin on the date the Legislature adjourns.

8456GEA

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8456WPPGEA

117th Legislative Council
Total Quality Management
Subcommittee on Rules in the Legislature
October 12, 1995
Updated 1/8/96

- ✓ Modernize/Recodify
- ✓ Internal Inconsistency
 - House/Senate --> joint conflicts
- Concept Drafting *(to full committee)*
- Budget Process *(to full committee)*
- ✓ Smoking
 - ✓ Smoking Room
 - ✓ Rule 314 - needed?
- Length of Debate *(tabled)*
 - Repeated speeches by one member *(tabled)*
- ✓ Extended Training of New Members *(highlight in report)*
- ✓ Errors Bills (Departmental)
 - Major changes not noticed by other committees
- Cross Jurisdiction of Legislative Documents *(tabled)*
 - One committee or the other gives report, not both *(tabled)*
 - "Blending" of committees *(tabled)*
- ✓ Reference - appeal process when Joint Rule 14 is used outside session
- Fiscal Notes *(tabled)*
 - Dependence on Executive Branch *(tabled)*
- Not Seen by Committee *(tabled)*
- Specific Rules
 - ✓ Rule 10 - Conflict of Interest
 - ✓ Rule 11 - Employees' Salaries
 - ✓ Rule 12 - 9:00 p.m. Deadline
 - ✓ Rule 12a - Duration of Roll Calls
 - ✓ Rule 12b - Rulings of the Chair - Time Limit
 - ✓ Rule 13 - Committees - Order of Appointment
 - ✓ Rule 13 - Committees - Members can not ask questions on their own bill in their own committee
 - ✓ Rule 15 - Committee Reports - 48-Hour Rule (Saturday & Sunday)
 - ✓ Rule 36 - Claims against State - why in rules?
 - Rule 36A - Indian Claims - why in rules?
- Native American Representatives
 - Procedural vote in committee
 - Maliseet Representative
 - ✓ JR 13A needed?
- Committee Rules
- ✓ Cosponsorship *(limited to 1 prime sponsor, 1 lead sponsor + 5 cosponsors)*
 - Unlimited vs. 10 or less
- Technology
- Minority Ought to Pass as Amended Reports - 3 Members or less
 - How to prevent
 - Germaneness Rule liberalized
- Minority Reports
 - Wait for Report
 - Not done publicly
- Committee Bills
 - Ought to Pass in New Draft
- Combined Bills
 - Cosponsors

- New Laws
 - New law on agency rules
 - Audit public review function to committee of jurisdiction - Rule 354
 - Line item veto
- Rule or Statute - which takes precedence
- ✓ Cloture Dates

Additions:

- ✓ Joint Rule 12-C (New - 106) - Expenses
- Legislative Council Authority
- ✓ Glossary
- ✓ Law Cite in Rules
- ✓ Require printing of all bills (201)
 - ✓ Members Authority not defined
 - Level playing field with Governor and Departments *(to full committee)*
- ✓ Ought to Pass in New Draft (310)
- ✓ Statement of Fact (209)
 - ✓ Change name to "Summary"
 - ✓ Tighten up content

Additions 11/14/95

- ✓ Rule 305 - notification of sponsors
- ✓ ADA Requirements
- ✓ Quorum
 - ✓ Public Hearing
 - ✓ Committee action
- ✓ Rule 304 - Bill sponsor setting with Committee
- ✓ Rule 310 - Refer to other Committee - must be unanimous
- ✓ Rule 315 - Committee Chairs ex-officio on budget subcommittee
 - All committee members notified when subcommittee meets
- ✓ Rule 403 - "Debate" at 2nd Reading
- ✓ Proxy voting at Joint Convention

JWM/jb
2057WPHOUSE

STATE OF MAINE

In Senate _____ Date _____

ORDERED, that Senate Rule 17 be amended to read:

17. Questions of order shall be decided by the President without debate within 7 legislative days; but if an appeal is taken, the same may be debated like other questions, and the decision thereon shall be entered upon the journal.

ORDERED, that Senate Rule 25 be amended to read:

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

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

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

3rd. The reception and reference of petitions and such other papers as require action by a committee.

4th. Orders.

5th. Reports of committees.

6th. Bills and resolves reported by the Committee on Bills in the Second Reading.

7th. Bills on their passage to be enacted, and resolves on their final passage.

8th. Orders of the day.

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 on Bills in the Second Reading, 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. No business shall be transacted after the hour of 9:00 p.m. without the affirmative vote of 2/3 of the members present and voting.

ORDERED, that Senate Rule 26 be amended to read:

26. Once the Secretary of the Senate commences with the roll call, all Senators shall remain seated until the vote has been announced. A roll call must close no more than 30 minutes after such call was commenced. When the yeas and nays are taken, the names of the Senators shall be called alphabetically.

Name:

County:

273WP74SETWO

STATE OF MAINE

In House _____ Date _____

ORDERED, that House Rule 1 be amended to read:

1. It is the duty of the Speaker to take the chair at the hour to which the House has 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 within 7 legislative days, subject to an appeal to the House;

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

To authenticate by the Speaker's 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 the duties of Speaker during the Speaker's 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 those offices while the Legislature is not in session, to serve until the House in session elects a Clerk and Assistant Clerk; and to appoint a sergeant-at-arms, an assistant sergeant-at-arms, a document clerk, doorkeepers, a courier, and 5 pages, unless the House of Representatives otherwise directs. Any such appointments may be rescinded at any time by the Speaker;

To appoint honorary pages; and

To appoint legal counsel while the Legislature is in session.

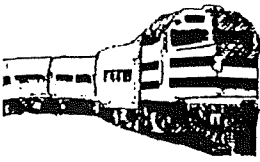
ORDERED, that House Rule 19 be amended to read:

19. Every member who is in the House when a question is put where the member is not excluded by interest shall vote, unless the presiding officer for reasons excuses that member, and when yeas and nays are ordered, no member may leave the member's seat until the vote is declared; in all elections by the House, or on joint ballot of the two Houses, no member may leave the member's seat, after voting, before a return of the House is had. A call for yeas and nays must close no more than 30 minutes after such call was commenced.

Name:

Town:

273WPHSETWO



NNEPRA

Northern New England Passenger Rail Authority

Child Street • 16 State House Station • Augusta, Maine 04333-0016
Tel (207)287-2346 • Fax (207)287-2144

Executive Director Michael J. Murray, P.E.

Board of Directors

Roger L. Mallar, Chairman
Jonathan Carter
F. Bruce Sleeper, Esq.
Sharon S. White
Barbara M. Whitten

January 22, 1996

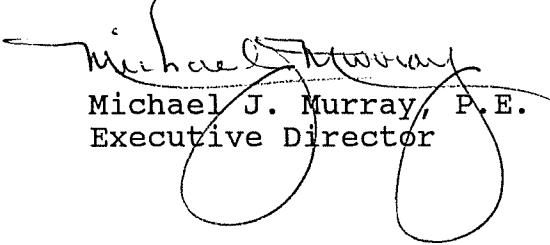
Ms. Sarah C. Tubbesing, Executive Director
Legislative Council
115 State House Station
Augusta, ME 04333

Dear Ms. Tubbesing:

Pursuant to 23 MRSA C.621 subchapter II, I am forwarding for your review and distribution the Northern New England Passenger Rail Authority's first annual report.

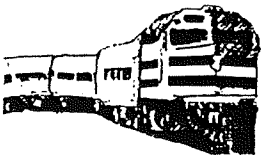
Should you have any questions concerning this matter, please advise.

Sincerely,


Michael J. Murray, P.E.
Executive Director

MJM:sjt

Enclosures



NNEPRA

Northern New England Passenger Rail Authority

**NORTHERN NEW ENGLAND
PASSENGER RAIL AUTHORITY**

**REPORT
TO**

**MAINE STATE LEGISLATIVE COUNCIL
AND
JOINT STANDING COMMITTEE ON TRANSPORTATION**

**REPORTING PERIOD
SEPTEMBER 1995 - DECEMBER 1995**

NORTHERN NEW ENGLAND PASSENGER RAIL AUTHORITY
DIRECTORY

AUTHORITY MEMBERS

Roger L. Mallar, Chairman and Treasurer

Jonathan Carter, Vice Chairman

Sharon S. White, Member

Barbara M. Whitten, Member

F. Bruce Sleeper, Member

Executive Director

Michael J. Murray

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EXECUTIVE SUMMARY

December 1995

Dear Member of the Legislative Council:

or

Member of the Joint Committee on Transportation:

This report has been prepared pursuant to 23 MRSA c. 621, subchapters I and II which, in addition to creating the Northern New England Passenger Rail Authority (NNEPRA), directed NNEPRA to take all necessary actions to reestablish the passenger rail transportation alternative for Maine citizens and for the millions of business and recreational travellers which visit our state annually.

Although less than six months have elapsed since NNEPRA was created, I am pleased to report that it's board of directors, which were sworn in on September 8, 1995, have authorized the execution of two key agreements which secured over \$38.3 million in federal funding in support of a rail infrastructure improvement project which must be carried out prior to the reestablishment of intercity passenger rail service within the 114 mile tri-state rail corridor between Boston's North Station and Portland, Maine. While this project is essential in order to restore safe and reliable passenger rail service within this rail corridor, this timely public investment also represents a unique opportunity to preserve the future viability of this major rail asset for future economic development purposes.

Presently, the directors are focusing their attention on concluding negotiations and/or the execution of five remaining rail related agreements which necessarily must be in place prior to commencement of the track system rehabilitation project. It is anticipated that these agreements will be executed in late January-early February 1996.

Subject to the timely delivery of track and signal materials, the project should begin in the Spring of 1996 and be completed in the fall of 1998. Barring unforeseen circumstances, a late Fall 1996 service start-up is possible.

Executive Summary
Northern New England Passenger Rail Authority
December 1995

NNEPRA continues to receive inquiries from communities and business groups supporting the extension of passenger rail service beyond Portland. While the board of directors is sensitive to these inquiries, it also views this subject as secondary to the establishment of the basic service between Portland and Boston. Having said this, NNEPRA, subject to the availability of funding, will initiate the necessary studies to determine that rail routing beyond Portland which: (a) has the highest potential ridership, (b) best serves regional needs, (c) has been determined to be safest and most cost effective, and (d) has the most public and/or community support.

The Northern New England Passenger Rail Authority looks forward to working with you during the coming session.

Sincerely,

Michael J. Murray, P.E.
Executive Director

MJM/V7/slf

PORTLAND-BOSTON INTERCITY PASSENGER RAIL SERVICE

PROJECT OVERVIEW

The proposed project entails the undertaking of rail related infrastructure (track, signal, and bridge) improvements which will permit the reestablishment of safe and reliable passenger rail service within the existing 114 mile rail corridor between Portland and Boston's North Station. Within Massachusetts the trackage (36 miles) is owned by the Massachusetts Bay Transportation Authority (MBTA); the remaining 78 miles of trackage within New Hampshire (35 miles) and Maine (43 miles) is owned by the Boston and Maine Corporation, a subsidiary of Guilford Rail Systems.

To remain competitive with the current modes of choice (air and private automobile), a Portland-Boston travel time constraint of approximately two and one half hours has been placed upon the proposed service. To satisfy this travel time constraint, scheduled intermediate station stops have been limited to five or less. Communities selected to host intermediate intermodal station facilities are: Saco and Wells in Maine, Dover and Exeter in New Hampshire, and Haverhill (Bradford) in Massachusetts. A summer seasonal stop at Old Orchard Beach and a weekend stop at the University of New Hampshire at Durham is also being proposed. Originating/terminating stations for the initial service will be Portland and Boston's North Station.

Consistent with the intent and purpose of Maine's Sensible Transportation Policy Act, as well as, the Intermodal Surface Transportation Efficiency Act of 1991, every effort is being taken to integrate operations of the proposed passenger rail service with existing intercity and intracity feeder bus services which currently operates within the Portland-Boston transportation corridor. It is hoped that the four daily round trips which will be made by the rail service would be integrated and/or supplemented with at least three additional round trips by intercity bus. Interchangeability of ticketing between the rail-bus alternatives is also under consideration.

PROJECT COST ESTIMATE

The total estimated project cost (Section 3 Grant only) is forty-seven million, eight hundred eighty eight thousand, one hundred twenty five dollars (\$47,888,125). An itemization of project costs elements are as follows:

Project Estimated Costs

Revenue Rolling Stock (3 cab cars)	\$ 500,000
Transitway Lines	\$37,644,400
Station Stops (does not include CMAQ funds)	\$ 1,937,500
Support & Equipment Facilities	\$ 875,000
Signals & Communications	\$ 3,790,000
Other Capital Program Items	<u>\$ 3,141,225</u>
Total Project Cost	\$47,888,125

PROJECT FUNDING SOURCES

Total Project Funding Required: **(\$47,888,125)**

1. Federal Funding (80% Project Costs)

Federal Appropriation FY'93	\$25,308,500	
Federal Appropriation FY'94	9,429,000	
Federal Appropriation FY'95	<u>3,573,000</u>	
Total	\$38,310,500	\$38,310,500

2. Local Funding (20% Project Costs)

92 State Bond Issue	\$ 3,000,000	
MDOT/MTA Transit Fund	500,000	
Cataract Bridge	2,400,000	
Rail Salvage Credit	2,927,625	
Station Development	500,000	
MBTA - Wildcat Crossover	<u>250,000</u>	
Total	\$ 9,577,625	<u>\$ 9,577,625</u>
Total (1 & 2)		\$47,888,125

FINANCIAL AID FOR INTERMODAL STATION DEVELOPMENT

1. Source: (Section 3 Grant - Maine Only)

	FEDERAL	LOCAL	TOTAL
PORTLAND	\$ 800,000	\$200,000	\$1,000,000
OLD ORCHARD BEACH	150,000	37,500 (DECD)	187,500
SACO	400,000	100,000	500,000
WELLS	<u>200,000</u>	<u>50,000</u> (MTA)	<u>250,000</u>
TOTALS	\$1,550,000	\$387,500	\$1,937,500

2. Source: (Congestion Mitigation Air Quality-CMAQ)

PORTLAND	\$ 500,000	125,000	\$ 625,000
SACO	410,673	102,668	513,341
WELLS	1,000,000	250,000 (MTA)	\$1,250,000
DOVER, NH	160,000	40,000	200,000
EXETER, NH	<u>283,200</u>	<u>71,000</u>	<u>354,200</u>
TOTALS	\$2,353,873	\$588,668	\$2,942,541
<hr/>			
TOTALS (1 AND 2)	\$3,903,873	\$976,168	\$4,880,041

NORTHERN NEW ENGLAND PASSENGER RAIL AUTHORITY
BOSTON PORTLAND RAIL RESTORATION PROJECT
ESTIMATED 20 YEAR FUNDING REQUIREMENTS

Page 9

	YEAR 0	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6	YEAR 7	YEAR 8	YEAR 9	YEAR 10
Millions	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005

OPTION III: RAIL NETWORK - Four Trains Per Day In Each Direction With No Feeder Buses (Low Congestion) (Fourth Quarter 1996 Start-up)											
Total Revenue ¹	\$0.00	\$1.03	\$4.25	\$4.39	\$4.53	\$4.68	\$4.83	\$5.02	\$5.26	\$5.50	\$5.75
Total O & M Expenses	\$0.00	\$1.53	\$6.12	\$6.22	\$6.26	\$6.30	\$6.34	\$6.40	\$6.46	\$6.53	\$6.60
Annual Ridership ²	0	79	327	339	351	364	376	393	413	434	456
Operating Deficit/Surplus	\$0.00	(\$0.50)	(\$1.87)	(\$1.83)	(\$1.73)	(\$1.62)	(\$1.51)	(\$1.38)	(\$1.20)	(\$1.03)	(\$0.85)
States Share of Operating Deficit ³	\$0.00	\$0.50	\$1.87	\$1.83	\$1.73	\$1.62	\$1.51	\$1.38	\$1.20	\$1.03	\$0.85

1. Millions of Dollars

2. Thousands of Riders

3. The authority is pursuing potential operating subsidy from AMTRAK. This matrix does not include any subsidy by AMTRAK.

COMPLXLS

JAN 12 '96 09:50AM

NORTHERN NEW ENGLAND PASSENGER RAIL AUTHORITY
BOSTON PORTLAND RAIL RESTORATION PROJECT
ESTIMATED 20 YEAR FUNDING REQUIREMENTS

Page 6

	YEAR 11	YEAR 12	YEAR 13	YEAR 14	YEAR 15	YEAR 16	YEAR 17	YEAR 18	YEAR 19	YEAR 20	YEAR 21
Millions	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016

OPTION III: RAIL NETWORK - Four Trains Per Day In Each Direction With No Feeder Buses (Low Congestion) (Fourth Quarter 1996 Start-up)											
Total Revenue ¹	\$6.02	\$6.30	\$6.59	\$6.90	\$7.21	\$7.55	\$7.90	\$8.48	\$9.11	\$9.78	\$10.51
Total O & M Expenses	\$6.67	\$6.75	\$6.83	\$6.91	\$7.00	\$7.09	\$7.41	\$8.60	\$9.31	\$9.48	\$9.66
Annual Ridership ²	478	502	528	554	582	611	642	693	748	807	870
Operating Deficit/Surplus	(\$0.65)	(\$0.45)	(\$0.24)	(\$0.01)	\$0.21	\$0.46	\$0.49	(\$0.12)	(\$0.20)	\$0.30	\$0.85
States Share of Operating Deficit ³	\$0.65	\$0.45	\$0.24	\$0.01	\$0.00	\$0.00	\$0.00	\$0.12	\$0.20	\$0.00	\$0.00

1. Millions of Dollars

2. Thousands of Riders

3. The authority is pursuing potential operating subsidy from AMTRAK. This matrix does not include any subsidy by AMTRAK.

NORTHERN NEW ENGLAND PASSENGER RAIL AUTHORITY
Financial Report For Period Through December 31, 1995 (Cash basis)
(SUMMARY REPORT)
(FY End. 6/30/96)

INCOME	Previous Period	This Period	To Date
CASH RECEIPTS			
Bond Issue	1,500,000.00	0.00	1,500,000.00
MDOT-MTA Transit Account	0.00	0.00	0.00
FTA-Const.Proj.	0.00	0.00	0.00
-Tech.Studies	0.00	0.00	0.00
CMAQ	0.00	0.00	0.00
Marketing Fund	0.00	0.00	0.00
On-board Services	0.00	0.00	0.00
Interest	2,776.23	236.97	3,013.20
Sub-tot. Cash Receipts	1,502,776.23	236.97	1,503,013.20
CONTRIBUTED SERVICES			
MDOT-Pre-Auth.	0.00	0.00	0.00
MDOT-Post-Auth.	0.00	0.00	0.00
Local Station Match	0.00	0.00	0.00
Cataract Bridge	0.00	0.00	0.00
Rail Salvage	0.00	0.00	0.00
Wildcat	0.00	0.00	0.00
Sub-tot. Contr.Srvcs.	0.00	0.00	0.00
TOTAL INCOME	1,502,776.23	236.97	1,503,013.20
EXPENSE			
MDOT-Pre-Auth., Engrg.	0.00	0.00	0.00
RAIL PROJECT (INSERT)	0.00	109,743.44	109,743.44
Insurance	36,257.00	41,599.85	77,856.85
Legal Services	28,381.89	16,446.07	44,827.96
MDOT-Staff Services	0.00	0.00	0.00
-Audit	0.00	0.00	0.00
-Other Prof.Srvcs.	0.00	0.00	0.00
Accounting/Auditing	0.00	2,093.80	2,093.80
Authority Exp.-Per Diem	0.00	220.00	220.00
-Expense	211.00	160.13	371.13
-Off. Exp.	0.00	0.00	0.00
Marketing	0.00	0.00	0.00
13(C) Claims	0.00	0.00	0.00
Ext.Feasibility Study	0.00	0.00	0.00
Bank Charges	0.00	0.00	0.00
Supplies	0.00	210.65	210.65
Miscellaneous	654.19	0.00	654.19
Sub-tot. O/P Exp.	65,504.08	170,473.94	235,978.02
CASH BALANCE	1,437,272.15	(170,236.97)	1,267,035.18
IN-KIND EXPENSE			
Sub-tot. In/K Exp.	0.00	0.00	0.00
TOTAL EXPENSE	65,504.08	170,473.94	235,978.02
FUND BALANCE	1,437,272.15	(170,236.97)	1,267,035.18



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

State House Station 13, Augusta, Maine 04333

Telephone (207) 287-1670

Telecopier (207) 287-1275

TO: Senator Jane Amero, Chair
Representative Elizabeth Mitchell, Vice Chair, and
Members of the Legislative Council

FROM: *Done*
David E. Boulter, Director

DATE: January 30, 1996

RE: Completion of Staff Study on Dam Regulation

I am pleased to submit the final report for a study on dam abandonment and registration laws that was conducted by this office over the past few months.

This study was authorized by the Council last session as a way to assist the Natural Resources Committee in reviewing and analyzing current and recently repealed laws relating to dams. This is a complex area of law and regulation. The study provides an extensive review of the laws and overall regulatory framework regarding dams, including a discussion of the scope of federal jurisdiction of dams by the Federal Energy Regulatory Commission (FERC). It also offers answers to frequently asked questions about dam regulation. Copies of the report will be distributed to the Natural Resources Committee which plans to discuss dam-related matters in a work session later this week.

We enjoyed the opportunity to assist in sorting through this complex policy area, and hope you and the committee find the report to be useful as the Legislature considers related legislation this session.

As you review the report, if you have any questions or suggestions, please do not hesitate to let me now. I would be happy to follow-up with you.

Attachment: *A Review of State Dam Abandonment and Registration Laws and Federal Dam Licensing Laws.*

xc: Sally Tubbesing, Executive Director

DEB/law

David E. Boulter, Director
Offices Located in the State House, Rooms 101/107/135

**LEGISLATIVE COUNCIL
REQUESTS TO INTRODUCE LEGISLATION
SECOND REGULAR SESSION
January 30, 1996**

Action

SPONSOR: Rep. Bisulca, Paul J.

LR 3039 An Act to Place Penobscot Land in Trust

SPONSOR: Sen. Cassidy, Vinton E.

**LR 3058 An Act Concerning the Number of Washington County
Commissioners**

SPONSOR: Rep. Fitzpatrick, Michael J.

**LR 3062 JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE
UNITED STATES TO AMEND THE FEDERAL FOOD, DRUG AND
COSMETIC ACT AND THE FEDERAL PUBLIC HEALTH SERVICE
ACT TO FACILITATE THE DEVELOPMENT AND APPROVAL OF NEW
DRUGS AND BIOLOGICAL PRODUCTS**

SPONSOR: Rep. Hatch, Pamela H.

**LR 3051 An Act to Authorize Actions under the Unfair Trade
Practices Act Regarding Habitability of Dwelling Units**

SPONSOR: Rep. Lemke, William

**LR 3050 An Act Requiring Qualified Investigation of all Truck
and Bus-related Fatalities**

SPONSOR: Rep. Tuttle, John

LR 3064 An Act Concerning Notice in Foreclosure Proceedings

TABLED BY THE LEGISLATIVE COUNCIL

SPONSOR:	Rep. Fitzpatrick, Michael J.	TABLED 10/22/95
LR 2917	An Act to Promote Hunting in the State by Persons With Mobility Impairment or Dexterity Impairment (Similar to LR 2786 - Sp. Ault/rejected)	
 SPONSOR:	 Rep. Gates, Gordon P.	 TABLED 11/09/95
LR 2929	An Act to Remove Megunticook Lake as a Source of Water Supply	
 SPONSOR:	 Rep. Gerry, Belinda A.	 TABLED 12/05/95
LR 2963	An Act Regarding Low-Income Home Energy Assistance and Food Stamps	
 SPONSOR:	 Sen. Hanley, Dana C.	 TABLED 01/17/96
LR 2987	An Act to Clarify the Definition of Commercial Whitewater Outfitter	
 SPONSOR:	 Rep. Mitchell, Elizabeth	 TABLED 01/17/96
LR 2993	An Act to Create the Viatical Settlement Act	
 SPONSOR:	 Sen. O'Dea, John J.	 TABLED 12/05/95
LR 2964	An Act to Allow a Change in the Speed Limit on Certain Highways	
 SPONSOR:	 Sen. Ruhlin, Richard P.	 TABLED 10/30/95
LR 2916	An Act to Amend Certain Provisions of the Act Creating the Atlantic Salmon Authority	
 SPONSOR:	 Rep. Townsend, Elizabeth	 TABLED 10/22/95
LR 2926	An Act to Protect the Well Being of Maine's Elderly	
 SPONSOR:	 Rep. Wheeler, Edgar M.	 TABLED 01/17/96
LR 3023	An Act to Repeal the 24-Hour Limit on Holding Juveniles (Similar to LR 3017-Governor's)	

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