

# MAINE STATE LEGISLATURE

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STANDARD OPERATING PROCEDURE  
FOR  
JOINT STANDING COMMITTEES OF THE MAINE LEGISLATURE

Joint Standing Committees shall consist of three from the Senate, named by the President of the Senate, and approved by the Senate, and seven from the House, named by the Speaker, except for the Joint Standing Committee on Rules and Business of the Legislature, which shall consist of three from the Senate, named as above, the Senate President, three from the House, named as above, and the Speaker of the House.

No Standing Committee shall meet while either the Senate or House is in session without approval of such a Committee meeting by the presiding officers of the Senate and House.

The Chairman of each Committee shall be the first-named Senate member and the Vice Chairman shall be the first-named House member, who is the House Chairman. In the absence of both, the next named following the Chairman on the part of the Senate shall call for the Committee members present to designate, by vote, a temporary Chairman.

As soon as both Houses have named the appointees to any Standing Committee, the Chairman should call an organizational meeting, by announcement on the Senate and House calendars, under announcements, of all Committee members, for the purpose of electing a Clerk, recommendation on the part of the Committee to its Chairman as to compensation for the Clerk, and the determining of such other matters as may be necessary for the prompt accomplishment of the Committee's work.

A quorum shall consist of a majority of the appointed members. The Clerk shall record the date and the names of the members present making up the quorum. No member of a committee shall be allowed under any circumstances to vote by proxy, or pair votes, as each member is expected to attend all meetings, regular and special, open or executive, and any member who shall be absent, except such absence be because of illness, from four consecutive meetings of any type shall be notified by the Chairman in writing that the presiding officer of the body to which the legislator notified belongs has also been notified.

The Chairman, or whoever is presiding at the time a vote is taken, shall vote on every matter requiring notification to the Legislature as to the Committee member's vote on any matter referred to it. Although the Chairman is not required to vote on other votes except in the case of a tie, it is suggested that he should vote on all matters as any other member. The Chairman is responsible for the scheduling of hearings, and should endeavor to plan ahead, with a set day and time weekly, or otherwise, for the benefit of a continuing schedule. The Chairman is responsible for the submission of committee reports to the proper branch of the Legislature, and in appropriate form.

Each public hearing is of importance as to dignity, courtesy, knowledge to be accumulated and mutual respect on the part of the public, represent both sides of a question, and the committee members representing the entire Legislature. The hearings should be called to order promptly, should be orderly, and there should be no applause, or remarks dealing with undue levity, personal or private matters not bearing on the public aspect of the open hearing.

Each Committee may adopt rules not in conflict with the ones accepted and adopted by the Legislature, provided such additional rules are printed and in the hands of each member of the Committee involved, before they shall be deemed effective.

No member shall serve on any Committee in a question where his private right or interest is immediately concerned as distinct from the public interest. Such shall be duly noted in a report from the Committee to the Legislature.

Much may be said for the time-honored tradition whereby former members appearing before the Committee treat the Committee to cigars, candy, etc. Where this is done openly, however, it is obvious that the practice could be easily misconstrued by the public. At best, it might appear that the former member is taking unfair advantage. It would seem that if the tradition is to be continued at all, the better practice would be to have the former member leave the treat with the Clerk before the hearing begins. To avoid any chance of misunderstanding, consideration may well be given to terminating the practice completely.

Each Clerk shall, acting under the direction of the Chairman, arrange for meeting rooms at a time and on a day agreed upon by the Chairman, and cause publication of notices, in accord with legislative rules, in order that all concerned may receive due notice. To insure preparation of advance notice of scheduled hearings, Chairmen should advise Clerks by Tuesday noon of each week of the bills to be heard the following week. The sponsor of a measure to be heard before a Committee must be notified in writing at the same time,

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

The Chairman shall call the meeting to order after recognizing the presence of a quorum, but never before the hour publicly scheduled, and announce the Committee involved in order that any person who has mistakenly appeared before the wrong Committee may make readjustments. Generally speaking, Bills should be heard in the order advertised. For good reason, the order of hearing may be changed, but the public attending should be fully advised at the hearing that such is to be done. The Chairman shall then announce the numbers and name of the document, read or cause it to be read in its entirety, if requested, and then proceed to call for the document's sponsor to appear before the Committee. The sponsor shall ordinarily be followed by all those who desire to appear as proponents, each individual announcing his name clearly, and the official position he occupies

if such be the case, prior to his presentation. The accepted salutation on the part of those testifying should be, "Mr. Chairman and members of the ..... Committee", or "Chairman ..... and members of the Committee on .....". As each person finishes addressing remarks to the Committee, the Chairman shall afford members of the Committee the opportunity to ask questions of such persons so appearing, in which case each Committee member shall address the Chair and become recognized by the Chairman, then proceed to direct questions to the witness. The Chairman has the responsibility of strict supervision to avoid running debate between a Committee member and a witness; yet it shall also be the Chairman's responsibility, with dignity, to attempt to permit a Committee member to try to obtain the information he needs to the best of his ability, commensurate with avoiding cross examinations, discourtesy, or personalities.

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

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

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

The Chairman shall decide all questions of order, subject to appeal to a majority of the Committee. He shall have the right to declare the room should be cleared, if such ever becomes necessary.

He shall supervise and direct the Clerk; supervise, assist, and be responsible for the preparation of all reports; and shall arrange, with any other Committee Chairman, the holding of joint hearings in co-reference matters with which he is specifically charged, reporting back to that branch from which a measure originated, in a proper form, all matters referred to it.

The press and other designated public news media should be notified, whenever possible, of a scheduled public hearing at least five days before such hearing.

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

All Committee decisions must be made in executive session, with only members, forming a quorum, present at the time of the vote. In executive session, the Chair shall permit each Committee member to speak to his viewpoints with only one member speaking at a time, and confining his remarks to the issue and the decision. Committee Amendments may be drafted, discussed, and acted upon, and if very substantial, or if many seem to be indicated, a New Draft of the

original document is in order for consideration. Action should be finally accomplished by a formal motion to avoid complications and misunderstanding, such as, "Mr. Chairman, I move that this Bill be reported as ought to pass", or "as ought to pass as amended", or "as inexpedient to legislate", or "as covered by other legislation" (if such had become apparent at some point).

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

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

Voting decisions within a Committee, at the time of an executive session, should be maintained as secret until the bill is reported out officially. This is an attempt to preclude a change of mind on the part of a Committee member when it is learned how he voted, thus delaying disposition of Bills.

Each Committee shall have power during the legislative session to conduct such study of and concerning any such proposed legislation as such Committee shall determine necessary to enable it to recommend properly thereon. Financial obligations which the Committee may wish to incur must first be cleared with the Committee on



Appropriations and Financial Affairs, and if that Committee cannot provide favorable recommendations for such an expenditure, the matter must be referred to the Legislature for action in the form of an Order.

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

OF UTMOST EMPHASIS:

Except for the Committee on Appropriations and Financial Affairs, each Standing Committee report shall be brought to the attention of the Committee on Appropriations and Financial Affairs at the time of reporting out of such a Bill, if such Bill carries with it an appropriation, expressed or implied, thus enabling any member of the Committee on Appropriations and Financial Affairs to table, or to comment on the floor of the Legislature as to the appropriation involved.

No Committee shall be a party in any manner of substituting the provisions of one bill for another to avoid compliance with the requirement pertaining to the several readings in each branch of the Legislature.

No reporter of a paper, magazine, press association, radio or television station attached to the Legislature shall appear before any Committee in advocacy of or in opposition to any measure.

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

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

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

The tangible properties of each Committee shall be inventoried by the Clerk at the beginning of the session, and all such items requisitioned during the session shall be added to the inventory and properly accounted for at the end of the session to the Joint Committee on State Government. The inventories and tangible properties shall be put in the custody of the Bureau of Public Improvements when the Legislature is not in session.