

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RESEARCH COMMITTEE**  
**INTERIM REPORT**  
**ON**  
**LEGISLATIVE PROCEDURES**  
**TO THE**  
**102nd LEGISLATURE**

**January 31, 1966**

TO THE MEMBERS OF THE 102ND LEGISLATURE:

Effective and efficient legislative machinery demands a continuing review of the procedures under which we operate. Based on suggestions offered at several meetings and our own discussions, we submit the following report and recommendations for your favorable attention.

Some suggested changes would have operated in those sensitive areas which we feel can best be left to the persuasive use of the powers of leadership and the exercise of discretion and dispatch on the part of members.

We find our current practices do, in general, provide the necessary, flexible guidelines for action, safeguarding the rights of each member and protecting him from arbitrary use of authority during the consideration of business.

Our recommendations, therefore, are addressed to simplifying the joint rules by the elimination of obsolete provisions and the orderly arrangement of related rules. The more important additions and deletions are here briefly identified:

- 1) The Joint Standing Committee on Welfare is abolished;
- 2) The practice re committee chairmen is made a part of the rules;
- 3) Prompt filing of departmental bills and resolves is secured by setting a special cloture date for them;
- 4) Differing cloture dates for all other types of bills and resolves are eliminated and a single date established for them;
- 5) Insertion of public notices in both weekly and daily papers makes it more likely that there will be a broad, general understanding about pre-filing of bills and the cloture date;
- 6) The Director of Legislative Research is made responsible for the correct form of all bills and resolves and other rules regarding form are eliminated (e.g., # 6 and part of # 7);
- 7) Rule 7 is deleted since it is a constitutional requirement (Const. Art. IV, Part First, Sec. 1).

The rules are organized into three general sections dealing with

- 1) Committees
- 2) Legislation
- 3) Joint Action on Business.

In this interim report we recommend only minor, specific changes in the rules of the Senate and the rules of the House and attach drafts of suggested orders to accomplish this. We would

- 1) Make specific the right of the President of the Senate to vote in all cases (similar to the last part of House Rule 2);

- 2) Broaden the rules to provide for reference to any standard authority on parliamentary practice, as the need arises;
- 3) Omit the words “, and seconded,” from House Rule 37;
- 4) Relieve the gentlewomen of the House of the responsibility for allowing members to indulge in practices which may be injurious to their health by repealing Rule 25; and
- 5) Repeal Rule 38 which serves no useful purpose.

Experience has proved that changes in the rules are more readily understood and adopted by seasoned legislators than is the case when changes are presented to a green membership at the outset of a regular session. Your affirmative action now will be a contribution to the better working of the 103rd Legislature.

### JOINT ORDER

Repeal Joint Rules 1 through 22 and adopt the following in place thereof:

### COMMITTEES

1. **Joint Standing Committees.** The following Joint Standing Committees shall be appointed at the commencement of the session, viz.:

- On Agriculture
- On Appropriations and Financial Affairs
- On Business Legislation
- On Claims
- On Education
- On Election Laws
- On Health and Institutional Services
- On Highways
- On Industrial and Recreational Development
- On Inland Fisheries and Game
- On Judiciary
- On Labor
- On Legal Affairs
- On Liquor Control
- On Natural Resources
- On Public Utilities
- On Retirements and Pensions

On Sea and Shore Fisheries  
On State Government  
On Taxation  
On Towns and Counties  
On Transportation  
On Veterans and Military Affairs

**Membership.** Each of said committees shall consist of three on the part of the Senate and seven on the part of the House. The first named Senate member shall be the chairman. In his temporary absence the first named House member shall serve as chairman and, thereafter, as the need may arise, the chairmanship shall alternate between the members from each house in the order of their appointment to the committee. These committees may report by bill or otherwise.

**Reference of Bills.** There shall also be appointed a Joint Standing Committee on Reference of Bills consisting of two on the part of the Senate and three on the part of the House, with the President of the Senate and Speaker of the House members ex officio.

It shall be the duty of the Committee to suggest the reference to appropriate committees of all bills, resolves, orders and petitions offered in either house, and to recommend the printing of documents before reference to committees, in their discretion suggesting the number of copies to be printed.

**Appropriations and Financial Affairs.** The Senate chairman of the Committee on Appropriations and Financial Affairs shall appoint from said committee such subcommittees as the said committee shall direct, such subcommittees to consist of not less than three members. Such subcommittees shall report their findings and recommendations to the full committee.

2. **Joint Select Committees.** Joint select committees shall consist of three on the part of the Senate and seven on the part of the House, unless the order creating the same shall provide a different number.

Whenever a select committee shall be appointed by either house and be joined by the other, it shall be the duty of the Secretary of the Senate, or 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 that they may be entered upon the journal of each house.

3. **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.

4. **Members.** No member shall be permitted to vote on any question in either branch of the Legislature or in committee whose private right, distinct from public interest, is immediately involved.

5. **Employees.** The salaries of all committee clerks, stenographers and messengers shall be established by the chairman of all joint legislative committees together with the Committee on Appropriations and Financial Affairs not later than the fourth week of any legislative session, and no such employee shall draw any advance of salary in excess of \$50.00 from the state treasury until such salaries are so established, and then only upon written order of the chairman of the committee involved, which order must further bear the endorsement of the chairman of the Committee on Appropriations and Financial Affairs.

## LEGISLATION

6. **Pre-filing.** Any member-elect may file bills and resolves with the Clerk of the House for introduction within forty-five days prior to the convening of any regular session. The Clerk shall number and print such measures in advance after which they become the property of the Legislature and may not be withdrawn by the sponsor. The Clerk shall deliver them to the appropriate branch of the Legislature immediately upon its convening.

7. **Departmental Bills.** No bill or resolve shall be introduced on behalf of any state department, agency, or commission, except the Governor, after the sixth legislative day of any regular session. Bills or resolves pre-filed or filed on behalf of such executive officers may bear the designation of the title "President of the Senate" or "Speaker of the House" if not presented by a member-elect or member.

8. **Cloture.** During any regular session all other requests for bills and resolves shall be submitted to the Director of Legislative Research not later than 1 P.M. of the fourth Friday following the convening of the session and such measures, in complete final form, shall be introduced in the appropriate house not later than 1 P.M. of the third Tuesday following.

**Exception.** This Rule shall not apply to bills or resolves reported by any joint committee in the regular course of business, nor to such bills and resolves as are intended only to facilitate the business of the Legislature.

9. **Public Notice.** The Clerk of the House shall cause the substance of the Joint Rules relating to pre-filing (#6) and cloture (#8) to be published in all daily papers in the State at least twice monthly and in all weekly papers in the State at least once monthly for the two months immediately preceding the convening of the Legislature in regular session and shall publish the substance of the cloture rule (#8) at least twice in all the papers in the State prior to the fourth Friday of January.

10. **Filing after Cloture.** Any bill or resolve to be introduced after the cloture date must be presented to the Clerk of the House, or the Secretary of the Senate, who shall transmit the same to the Joint Committee on Reference of Bills. The Committee will ascertain from the sponsor the facts supporting introduction notwithstanding cloture and, if a majority of the Committee approves, the bill or resolve shall appear on the calendar of the appropriate house, duly noted as having been approved by a majority of the Committee and if, at that time, at least one-tenth of the members present rise as objectors, the document shall not be received.

11. **Co-sponsorship.** With the approval of the Committee on Reference of Bills a bill or resolve may be presented jointly by not more than two members of the same house.

12. **Memorials.** No memorial shall be in order for introduction unless approved by a majority of the Committee on Reference of Bills.

13. **Fiscal Notes.** Every bill or resolve effecting loss of revenue or requiring an appropriation shall be accompanied by a written statement as to the amount involved.

14. **Form.** All bills and resolves shall be corrected as to matters of form by the Director of Legislative Research before printing.

15. **Errors.** Mistakes in bills and resolves, merely clerical, may be corrected upon suggestion without motion to amend.

16. **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.

17. **Reference of Fiscal Matters to Committees.** Every bill, resolve or order appropriating money shall be referred to the appropriate committee for consideration, and no further action shall be had thereon in either branch until the same shall have been reported back by said committee.

The several clerks of the committees to which are referred bills, resolves or orders involving the appropriation or expenditure of money shall forthwith upon receipt of such bills transmit a copy thereof carrying endorsement of reference, to the Committee on Appropriations and Financial Affairs. No bill shall be in order for advertising for hearing or any other procedure until such copy is so transmitted. The Appropriations Committee shall issue a printed report and tabulation of such bills weekly.

Every bill, resolve or order involving the appropriation or expenditure of money shall be presented to the Committee on Appropriations and Financial Affairs for examination and recording before it is engrossed, and no further action shall be had on such bills, resolves or orders until proper endorsement thereon is made by said Committee.

## JOINT ACTION ON BUSINESS

18. **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, if rejected in the other house, it shall be returned by the Secretary or Clerk, as the case may be, for further consideration.

19. **Conference Committees.** Committees of conference shall consist of three members on the part of each house, representing its vote, and their report, if agreed to by a majority of each committee, shall be made to the branch asking the conference, and may be either accepted or rejected; but no other action shall be had except through another committee of conference.

20. **Rejection of Bills.** When any measure shall be finally rejected, it shall not be revived except by reconsideration; and no measure containing the same subject matter shall be introduced during the session unless three days' notice is given to the house of which the mover is a member. No measure shall be recalled from the legislative files except by joint order approved by a vote of two-thirds of both houses.

21. **Enactment of Bills.** Every bill that shall have passed both houses to be enacted and all resolutions having the force of law, that shall have finally passed both houses, shall be presented by the Secretary of the Senate to the Governor for his 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.

22. **Responsibility for Legislative Papers.** All endorsements on papers while on their passage between the two houses 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.

## OTHER JOINT ACTIONS

23. **Communications.** Whenever a message shall be sent from the Senate to the House, it shall be announced at the door by the Sergeant-at-Arms of the Senate, and it shall be communicated respectfully to the Chair by the bearer of it. In like manner messages from the House shall be communicated to the Senate, the Sergeant-at-Arms of the House announcing them at the door of the Senate.

24. **Conventions.** No business shall be transacted in convention of the two houses unless by unanimous consent, except such as may be agreed upon before the convention is formed.

25. **Rules.** No joint rule or order shall be suspended without the consent of two-thirds of the members present in each house.

## SENATE ORDER

Senate Rule 6 is amended by adding thereto a new sentence to read as follows: 'The President may vote in all cases.'

Senate Rule 37 is amended to read as follows: 'The rules of parliamentary practice comprised in Reed's Rules, or any other standard authority, shall govern



the Senate in all cases to which they are applicable, and in which they are not inconsistent with the standing rules of the Senate, or of the joint rules of the two houses.'

### HOUSE ORDER

House Rule 25 is hereby repealed.

House Rule 37 is amended by striking out of the first sentence the punctuation and words 'and seconded,'.

House Rule 38 is hereby repealed.

House Rule 57 is amended to read as follows: 'The rules of parliamentary practice comprised in Reed's Rules, **or any other standard authority**, shall govern the House in all cases in which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and the joint rules of the Senate and House of Representatives.'