

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

S T A T E O F M A I N E

R E P O R T

O F T H E

I N T E R I M J O I N T C O M M I T T E E O N L E G I S L A T I V E P R O C E D U R E

T O T H E

O N E H U N D R E D T H L E G I S L A T U R E

AUGUSTA

DECEMBER 1960

INTERIM JOINT COMMITTEE ON LEGISLATIVE PROCEDURE

AUTHORIZATION

ORDERED, the Senate concurring, that there be created an interim joint committee to consist of 2 Senators and 3 Representatives appointed respectively by the President of the Senate and the Speaker of the House who shall be members ex officio, to study and report to the 100th Legislature such recommendations concerning revision of the Senate and House rules and the joint rules as may accomplish efficiency and expediency of the legislative process in Maine; and be it further

ORDERED, that the committee shall have the authority to employ such expert and professional advice and counsel and such clerical assistance as in its judgment may determine within the limits of the funds provided; and be it further

ORDERED, that the members of the committee shall serve without compensation but shall be reimbursed for their expenses incurred in the performance of their duties under this order; and be it further

ORDERED, that there is appropriated to the committee from the Legislative Appropriation the sum of \$1,000 to carry out the purposes of this order. (H. P. 982)

(Read and passed in both branches June 13, 1959)

MEMBERSHIP

SENATORS:

Roswell P. Bates, Chairman
Frank M. Pierce

REPRESENTATIVES:

R. Lafayette Ervin
Louis Jalbert, Secretary
Howard W. Mayo

EX OFFICIO:

John H. Reed, President of the Senate to
December 30, 1959
Earle M. Hillman President of the Senate
January 19, 1960 -
Joseph T. Edgar, Speaker of the House

FOREWORD

To the Members of the 100th Maine Legislature:

This study has been an interesting and stimulating experience. Even as efficient operation of the legislative branch is indispensable to any system of representative government, even as the rights of the people in law making must be kept constantly in mind, we find that Maine, like many other states, has reached the point of reevaluation of the legislative process. That legislative procedures presently occupy, with all indications of increasing emphasis, a major position on the agenda of National Conferences is further proof. Recognizing that each state has extreme or narrow variations with other states, and realizing that the Maine system is very highly regarded for its dignity, performance, tradition and efficiency, nevertheless this Committee studied materials, recommendations and performances from many other states and from Conference reports, while at the same time answering inquiries from many other jurisdictions.

REPORT

The legislative task is essentially the determination of broad policies in a clear and decisive way; authorization of organization, personnel, powers, and finances adequate to administer its policies; and review of the effectiveness of those policies and their administration. (Our State Legislatures, 1948, p.2)

This brief statement encompasses our own view of the Legislature as one of the three equal branches of state government. The order governing the activities of this Committee confines our attention to the joint rules and the rules of the Senate and House. But in the course of studying what contribution effective rules can make to these prime purposes, several related matters invite comment from the Committee.

Maine has long enjoyed a high reputation for its legislative decorum, joint committee system, public hearings, printing of legislation and debates. Yet the length of some recent sessions has focused increasing attention on the rules. Both the 98th and 99th Legislatures ordered studies of procedures.

No formal action was taken on the few suggestions contained in the Report by the Legislative Research Committee in January 1959 but we note one finding and recommendation from it:

Finding: "That the effective operation of the Legislature is impeded by the last moment introduction of bills immediately prior to cloture, thereby disrupting the even distribution of the legislative work load."

Recommendation: "That all departmental bills be filed with the Director of Legislative Research not later than the first day of the legislative session." (See Appendix A)

Views solicited from present and former members, and persons closely associated with the work of the legislature echo this finding and point to other problem areas.

We accept it as the first duty of this Committee to recommend the elimination of the most persistent brakes, bottlenecks and log-jams which clog the legislative machinery. Briefly we identify the major items: method and time of introducing legislation; elimination of local fish and game bills; better control of the flow of legislative business; additional staff to serve the legislature.

METHOD AND TIME OF INTRODUCING LEGISLATION

Acting on proposals contained in an interim report of this Committee a real breakthrough was accomplished at the January 1960 special session with adoption of rules for pre-filing (Joint Rule #19A) and an earlier cloture date (Joint Rule #19B). Mr. Samuel H. Slosberg, Director of Legislative Research, and Mr. Harvey R. Pease, Clerk of the House, have taken every opportunity to publicize these changes to all interested parties. We warmly appreciate their cooperation. We are confident of full legislative support as members experience the benefits of getting down to work more promptly and of knowing the full scope of the legislative agenda at a much earlier date. Committee work, which is the heart of the legislative process, should receive a much needed impetus.

Pre-filing is a device used in many states, yet still in need of refinement. In our own case a close watch will be kept on the operation of the rule so that any changes can be adopted as needed. (For Rule, see Appendix B)

The new cloture rule is a companion to pre-filing. An analysis of the past five sessions shows that legislation was transmitted by the Director of Legislative Research over periods ranging from four

to eight weeks after the cloture dates for submission of material to him. (See Table 1) Now the rules place this drafting period where it properly belongs, giving 45 full days before a regular session and all of January to the process of preparing the measures to be considered. Without sacrificing its intent, we recommend a slight rewording of Joint Rule #19B to accommodate the mechanics of bill drafting. The third Friday and the last Friday of January are the dates on which members must submit all requests for the drafting of legislation; eleven days beyond each of these dates final introduction in the hopper is required. The net effect is to make the second Tuesday following the last Friday of January the final date for all introductions. This compares most favorably with prior experience. (For draft of Rule see Appendix E).

Making pre-filing and cloture a part of the rules serves as advance notice to members-elect of the calendar under which a regular session will operate; additional cloture orders will be unnecessary. We know no rule or order is required to assure that the Director of Legislative Research will translate these rules into actual dates for the benefit of members-elect. We solicit the assistance of the Governor, as head of the executive branch of government, in urging departments to have all departmental bills introduced within the first week of a regular session.

Requests for introduction of legislation after cloture will receive comment under the discussion of the flow of business.

FISH AND GAME BILLS

Elimination of the innumerable resolves establishing local fishing regulations has been urged by nearly everyone who has con-

TABLE 1

MAINE
INTRODUCTION OF LEGISLATION STATISTICS

LENGTH OF SESSION	CLOTURE DATE		FINAL CLOTURE	TOTAL DOCUMENTS
	PRIVATE & SPECIAL	BILLS/RESOLVES		
Jan. 3 - May 21, 1951	Feb. 1	Feb. 8	Mar. 29 (J.O.)	1412
	(604 L.D.'s printed before cloture L.D. 605- 1261 printed between cloture and Mar. 29)			
Jan. 7 - May 8, 1953	Feb. 5	Feb. 12	No joint order - last bills transmitted by L.R. Director Apr. 14	1553
	(804 L.D.'s printed before cloture)			
Jan. 5 - May 21, 1955	Feb. 3	Feb. 10	Mar. 22 (J.O.)	1563
	(766 L.D.'s printed before cloture L.D. 767 - 1384 printed between cloture and Mar. 22)			
Jan. 2 - May 29, 1957	Feb. 7	Feb. 14	Mar. 28 (J.O.)	1613
	In Research Office	In Research Office		
	H. 78	H. 264	H. 50	
	S. 25	S. 120	S. 26	
	(869 L.D.'s printed by cloture - 563 in L.R. Office for drafting)			
Jan. 7 - June 13, 1959	Feb. 5	Feb. 12	Mar. 13 (J.O.)	1396
	In Research Office	In Research Office		
	H. 96	H. 190	H. 65	
	S. 32	S. 97	S. 21	
	(824 L.D.'s printed by cloture - 501 in L.R. Office for drafting)			

tacted this Committee. The mere fact that 49 of the 127 Resolves passed in 1959 called for local rules and regulations spotlights the disproportionate time spent by the Legislature on such local matters. Tables 2 and 3 point up the problem with statistics as well as showing the workload of committees. Though such a flooding of the hopper cannot be reached by the rules, we cannot ignore the urgent pleas for action nor can we ignore the opportunity to make substantial savings through eliminating the many costs incident to printing, advertising, hearing, reporting in the calendar, journals and record, engrossing, and publication of each individual resolve. We recommend the emergency enactment of legislation similar to L.D. 15 introduced in 1959 empowering the Department of Inland Fisheries and Game to handle these matters. Legislation covering this recommendation has been filed. We urge any member who has pre-filed such resolves to ask for leave to withdraw them without reference to a committee. It is important to note wide public support for this procedure - for example, the adoption of a resolution to this end by the Maine State Grange at its most recent annual meeting. It should also be emphasized that this in no way touches the authority of the Legislature over all statewide matters such as seasons, bag limits, and so on.

BETTER CONTROL OF THE FLOW OF LEGISLATIVE BUSINESS

Committee Manual

This Committee presents for your adoption a compilation entitled "Suggestions for Rules and Regulations for Committees of the Maine Legislature." (See Appendix C) This should prove helpful as a reference for committee personnel, clerks, and all others directly or indirectly associated with the workings of the committees.

TABLE 2

FISH AND GAME LEGISLATION

	1957			1959		
	Introduced	Passed	%	Introduced	Passed	%
Local Fishery Bills	88	56	64	69	49	71
Local Game Bills	10	8	80	14	8	57
County Wide Fishery Bills	6	3	50	3	1	33
County Game Bills	10	1	10	3	0	0
Statewide Fishery Bills	7	1	14	8	1	13
Statewide Game Bills	23	6	26	25	4	16
Statewide Fish and Game Bills	12	7	58	11	5	45
Totals	156	82	52%	133	68	51%

1. Local fishery bills constituted 57% of all of the Fish and Game Bills introduced in the 1957 Legislature, and 52% of all of the fish and game bills introduced in the 1959 Legislature.
2. The local Game Bills constituted 7% of all of the Fish and Game Bills introduced in the 1957 Legislature, and 11% of those introduced in the 1959 Legislature.

TABLE 3

BILLS & RESOLVES HANDLED BY COMMITTEES OF THE LEGISLATURE

<u>COMMITTEE</u>	<u>1951</u>	<u>1953</u>	<u>1955</u>	<u>1957</u>	<u>1959</u>
Agriculture	28	24	23	26	20
Appropriations & Financial Affairs	87	139	133	140	153
Business Legislation	33	45	31	72	62
Claims	160	64	86	78	52
Education	52	16	42	27	53
Election Laws	-	-	-	-	18
Highways	548	63	90	63	47
Inland Fisheries and Game	166	172	159	151	120
Judiciary	212	280	222	207	147
Labor	23	41	41	51	55
Legal Affairs	134	136	130	135	117
Liquor Control	44	69	35	27	25
Natural Resources	32	28	39	32	28
Public Health	19	28*	-*	19	13
Public Utilities	37	32	51	68	35
Retirement and Pensions	-	-*	250*	93	31
Sea & Shore Fisheries	54	37	43	44	23
State Government	-	-	-	51	79
Taxation	42	71	68	62	50
Towns and Counties	119	156	119	127	87
Transportation	41	53	61	54	46
Veterans and Military Affairs	4	5	6	4	5
Welfare	252	36*	9*	26	7
<div> <div>Compiled from "Register of all Bills and Resolves - 1951"</div> <div>Compiled by Senator Benjamin Butler</div> <div>Compiled from records in office of Clerk of the House</div> </div>					

*Bills from Public Health and many from Welfare of 96th Legislature (1953) came to Retirement and Pensions in 97th Legislature (1955).

Joint Committee on Rules and Business of the Legislature.

As the House has a standing committee on "Rules and Business of the House", it is recommended that the Senate also establish such a committee to be known as "Rules and Business of the Senate". The two committees acting jointly may meet as the "Joint Committee on Rules and Business of the Legislature". It is proposed that the Committee on Reference of Bills be dissolved. Its duties shall be assumed by the Joint Committee on Rules and Business of the Legislature, which committee shall consist of three senators, the Senate President, three representatives and the Speaker of the House, being the members already named to the separate committees on Rules and Business. We envision such additional responsibilities for the new committees as are named herein and suggest that the outstanding need for such a strong, bipartisan and responsible committee became more and more apparent as our study progressed.

A. This Committee shall receive all unanimous O.N.T.P. reports from a reference committee and shall hold such a report until the end of the session unless a petition shall be presented to it signed by a minimum of 50% of the elected members of the house of origin, in which case the O.N.T.P., duly noted as having been petitioned for presentation to the branch from which it originated, shall then appear on the calendar.

B. This Committee shall assist in the scheduling of committee hearings and shall have authority and responsibility to call before it the chairman of any committee who has held one or more bills or resolves for a period longer than two weeks without planning a hearing date, for a justification of his action, and if this Committee feels that the reasons presented do not justify the delay the Rules

Committee may order the hearing date to be set.

C. This Committee shall likewise have the authority and responsibility to call before it the chairman of the Joint Standing Committee and the sponsor of a document when one or more bills or resolves have been heard by a committee and such has not been reported out of committee within two weeks of the completion of the hearing, at which time justification for the further holding of the document must be established or the Committee on Rules and Business shall have the discretion to order a reporting out of the bill or resolve.

D. Furthermore, this Committee on Rules and Business shall have the authority and responsibility to call before it the legislator tabling, the sponsor and the chairman of the committee which had previously heard the document, any tabled and unassigned matter, at its discretion, for a hearing on the justification of continued tabling, and if the Committee votes that such further tabling is not justified it shall set a time and date for the removal from the table, serving notice on the calendar as to the legislative day it has selected.

E. The Committee on Rules and Business shall have the authority and jurisdiction to have a sponsor for any document which such sponsor desires to introduce after the effective date of the cloture rule, appear before it to justify such introduction, and if at least six of the eight members of the Committee on Rules so approve the bill or resolve shall appear on the calendar of the branch of the Legislature of which the sponsor is a member, duly noted as having been approved by three quarters of the Committee on Rules, and at that time if at least one tenth of the members present rise as

objectors, the document shall NOT be received.

F. Approval of the Committee on Rules and Business must be gained for any bill or resolve to be acted upon by the Legislature without reference to any committee for hearing.

G. Approval of the Committee on Rules and Business must be obtained before the introduction of any "Memorial" shall be permitted.

We respectfully request the members of the 100th Legislature to maintain high respect for the members of the Joint Committee on Rules and Business should these recommendations be adopted, inasmuch as these new responsibilities are a marked departure from traditional Maine procedures and will inevitably themselves need reevaluation after a trial period based on the knowledge that can be derived only through experience.

Committee Organization

With the advent of pre-session filing it naturally follows that every attempt to organize the committees must be made the first week of the session in order that scheduling and notification of hearing dates may be made promptly and we recommend that committees shall be so organized by the end of the first legislative week, with hearings to begin the third week of each session.

Debates

After considerable study this Committee recommends a change in the rules of each branch to bring about a definite time for debate on a measure before it, with the obvious intention of attempting to avoid repetition of presentations. Specifically such debate shall be confined in the House to the time of the second reading of a resolve and the third reading of a bill, and in the Senate to the

time of the second readings. Nothing in the foregoing shall be interpreted to preclude debate on the subject of reference of matters to standing committees.

Memoranda and Suggestions

With reference to the material regularly published in the "Senate and House Registers" following the Joint Rules and entitled "Memoranda and Suggestions", we recommend deletion of these notes. These matters of form and style are handled by the Director of Legislative Research.

Committee on Health and Institutional Services

The committee recommends that the present committee on Public Health be changed in title to Health and Institutional Services in order to produce a logical committee assignment of matters relating to aspects of all institutions, public health, community services, and mental health matters.

Emergency Preamble

We respectfully call attention to the abuse of the emergency preamble clause and suggest it deserves future consideration.

Ethics

At any time the Legislature wishes to consider the adoption of a Code of Ethics for incorporation in the handbook the following statement may be helpful:

Any public office holder is charged with responsible conduct commensurate with the trust placed in him by the electorate. In a free government the official is entrusted with the security, safety, health, prosperity, and general well-being of those whom he serves. With such a trust high moral and ethical standards producing the public's confidence, with the reduction to a minimum of any conflict between private interests and official duties, should be observed. No state legislator will accept any employment which can possibly impair his independence and integrity of judgment nor will he exercise his position of trust to secure unwarranted privileges for himself or for others.

The Maine legislator will be ever mindful of the ordinary citizen who might otherwise be unrepresented, and will endeavor conscientiously to pursue the highest standards of legislative conduct.

Senate Amendments and County Estimates

Due to changes in the Rules brought about at the 1960 Special Session of the Legislature immediate attention must be given to the provision of space for the mechanics for the reproduction of Senate amendments.

It should also be noted that even though the House Committee on County Estimates has been eliminated, the revenue-producing county tax bill must still have its origin in the House.

Pensions and Claims

Permitting each department to handle its own pensions and claims is deserving of study and reaction on the part of department heads.

Home Rule

This Committee respectfully focuses the attention of the members on the matter of eliminating from its responsibilities measures dealing with "home rule" - generally presented to the Legislature as municipal charter changes. Functions ordinarily considered appropriate for local control include 1) the structure of city government; 2) qualifications, terms and salaries of officials; 3) ordinance procedures; 4) enforcement of charter and ordinance provisions; 5) street construction, maintenance, cleaning and lighting; 6) fire and police protection; 7) recreation; 8) water supply; 9) ownership and operation of municipal utilities; 10) planning and zoning; and 11) housing. Relieving the Legislature of these local problems would have many benefits. Undoubtedly general legislation would be required to make such a change possible but it

would be in accord with the constitutional mandate that "the Legislature shall from time to time, provide, as far as practicable, by general laws, for all matters usually appertaining to special or private legislation." (Me. Const. Art. IV, Part Third, Sec. 13) This is an undertaking beyond the scope of a committee on legislative procedure yet deserving full study.

LEGISLATIVE STAFF

The inadequate staffing of the Legislature and the lack of an available pool of trained individuals present serious problems. All legislators should be aware that in creating special interim legislative committees provision should be made for staff and finances sufficient to fulfil the tasks assigned to the committee.

We find great merit in creating the position of legislative analyst. He should be available to all legislators during a session and should make studies and assemble information for the use of the Legislature and its committees on a continuing basis. This staff assistant could be attached to the Legislative Research Committee which functions on a permanent basis. Immediate studies might be made of legislative printing expenses and of the proper method of identifying the effect on revenues and expenditures of all matters presented for legislative attention. Appendix D outlines several methods used in other states to establish and govern the activities of a legislative fiscal analyst. Legislation will be presented covering this recommendation.

CONCLUSION

We are satisfied that this field of Legislative Rules and Procedures deserves classification as a continuing task and respon-

sibility. In support of this conviction legislation will be introduced to create a permanent Committee on Rules and Procedures of the Legislature.

It is pleasant to acknowledge the interest shown in our efforts, particularly by former presiding officers of the Legislature whose comments, above all others, are founded on actual realization of inadequacies in current practices. The appreciation we express to Miss Edith Hary, State Law Librarian, Hon. Harvey Pease, Clerk of the House, Hon. Chester Winslow, Secretary of the Senate, Hon. Samuel Slosberg, Director of Legislative Research, former Governors, former and present legislators, legislative agents, and news media personnel, is truly sincere. Materials from these sources, and accumulated from many other sources, are available for your consideration and the consideration of our successors.

APPENDIX A

LEGISLATIVE RESEARCH COMMITTEE REPORT ON LEGISLATIVE PROCEDURES TO THE 99th LEGISLATURE, JANUARY 1959

LEGISLATIVE PROCEDURES

ORDERED, the House concurring, that the Legislative Research Committee be, and hereby is, directed to make a study of legislative procedures, practices and rules or any other phase of legislative activity that may accomplish efficiency and expediency of the legislative affairs of Maine.

The Legislative Research Committee, under joint legislative order, has studied existing legislative procedures to determine improvements whereby greater efficiency and effectiveness may be promoted in the legislative process. The Committee held one public hearing on April 8, 1958 to ascertain deficiencies in the efficient operation of the Legislature and listened to various suggestions made for procedural improvement.

After full consideration of these proposals, the Committee finds:

1. That the effective operation of the Legislature is impeded by the last moment introduction of bills immediately prior to cloture, thereby disrupting the even distribution of the legislative work load.
2. That separate consideration by the Appropriations Committee of capital expenditure bills and general fund expenditure bills at successively scheduled hearings delays action by the Committee in reporting out its heavy load of appropriation bills thereby precluding final action by the Legislature until late in the session.

The Committee recommends:

1. That all departmental bills be filed with the Director of Legislative Research not later than the first day of the legislative session.
2. That the overall membership of the Appropriations Committee be increased to 15 members: 10 from the House, and 5 from the Senate. For the purpose of expediting the Committee work load, the enlarged Committee should be divided into 2 subcommittees, one to hear bills relating to capital expenditures, the other bills relating to general fund expenditures. It is the Committee belief that the time ordinarily consumed by the Appropriation Committee in conducting successive hearings on the two classes of appropriations bill could be halved by concurrently conducted hearings. The Committee has given serious consideration to the proposal calling for the adoption of an electrical roll-call voting machine as a means of expediting the legislative process. It is the conclusion of the Committee that until such time as the Legislature is required to render a yea or nay vote on each bill before it, the adoption of such a machine is unnecessary, and will neither materially reduce the length of the legislative session nor its overall costs.

APPENDIX B

JOINT RULE #19A — PRE-FILING

"Any member-elect of the Legislature 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 of the Legislature. The Clerk shall number and print such measures in advance and shall deliver them to the appropriate branch of the Legislature immediately upon its convening. Pre-filed bills and resolves shall be considered as introduced on the day of their delivery to each house."

APPENDIX C

SUGGESTIONS FOR RULES AND REGULATIONS FOR 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. On other votes the Chairman is not required to vote, unless he so desires, except in a case of a tie, when he is so required. 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, representing 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.

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. 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, announce the committee involved, in order that any person who has mistakenly appeared before the wrong committee may make readjustments, and announce the numbers and name of the document, reading or causing 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 proceeding 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 of 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.

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 became necessary; he shall supervise and direct the clerk, supervise, assist, and be responsible for the preparation of all reports, to hold to the order of publication of bills to be heard, unless circumstances, with the approval of the committee, might indicate some change in the scheduling, to arrange, with any other committee chairman as to the holding of joint hearings in co-reference matters, and he is specifically charged with:

A. Refusing recognition to persons lobbying for or against pending legislation unless said persons have complied with rules in effect for Legislative Agents, either legislative rules or statutory provisions, and,

B. Reporting back to that branch of the Maine Legislature from which a measure originated, in a proper form, all matters referred to it, within the time limits established by the Committee on Rules and Business of the Legislature, except in the case of ONTP reports which shall be reported to the Joint Committee on Rules and Business.

The Press and other designated public news media shall be notified 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 and as 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 as to his viewpoints, with only one member speaking at a time 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 an 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. A unanimous ONTP report, so attested by a member of the Committees shall be transmitted to the Committee on Rules and Business

of the Legislature. The Clerk of the reference Committee shall keep custody of the document covered by the ONTP report and if no further action is directed by the Rules Committee, such document shall be placed in the legislative files at the end of the session; or, by direction of the Rules Committee the document and report may be reported back to the house of origin. 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.

All officers of this state, and responsible employees shall furnish material, if requested, to the committee as the committee deems necessary or proper for the achievement of its purposes, as

each committee considers fully all matters referred and acquaints itself with the interests of the state. 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.

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 a 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.

APPENDIX D

Budgetary Review and Analysis by the Legislature

In 1947 New Hampshire added to the general appropriation measure a paragraph creating a legislative budget assistant who was to be appointed by the senate and house finance committees before the adjournment of the 1947 session. His salary was set at \$6,000.00 plus actual expenses.

His duties included analysis of the financial condition of the state for the information of the legislature; research into the receipts and expenditures and a report of his recommendations and findings to the finance committees of the legislature before January 15th of every regular session; assist members to be more familiar with state financial conditions and operations; attend all budget hearings and give any requested assistance to the committees during the session.

All state departments, etc. are required to furnish him with any information he may request re matters of use to committees in dealing with financial condition of state.

1947 Public Acts Ch. 296

* * *

In 1954 New Jersey established the post of Legislative Budget and Finance Director within the legislative branch of state government, appointed by the Law Revision and Legislative Services Commission, solely on the ground of competence and for such term not exceeding six years as shall be determined from time to time.

He is authorized to collect and assemble factual information re the fiscal affairs of the State for the use of the Joint Appropriations Committee of the Legislature in formulating its annual proposals for appropriations; to examine all requests for appropriations made by the various executive agencies of state government and attend any hearings necessary to obtain complete information; to examine other requests and substantiate all claims against the State for payment of which appropriations are to be requested; to report in such manner as shall be directed - ordinarily through the Appropriations Committee - as to any matters which may be of assistance to the committee or the legislature in forming an independent judgment in the determination of any fiscal matters.

52 New Jersey Statutes Annotated 11-32 ff

* * *

In 1957 New Mexico created a continuing joint interim committee of the legislature known as the "legislative finance committee" - 4 representatives, 3 senators, chairmen of the taxation and finance committees to be members, the rest to be appointed as are members of other standing committees. Minority party representation is required. The chief duty of the committee is to direct the work of the legislative fiscal analyst, an employee of the legislative council hired by its director, with the approval of the legis. finance committee and serving at their pleasure. His duties are generally similar to those listed for N.H. and N.J. He has a salary; the members of the committee receive \$15.00 per day, plus travel expenses

1957 New Mexico Laws Chapter 3

APPENDIX E

DRAFTS OF RECOMMENDED CHANGES AND AMENDMENTS TO THE RULES

Joint Rule #1 (Revised)

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 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 Rules and Business of the Legislature
- On Sea and Shore Fisheries
- On State Government
- On Taxation
- On Towns and Counties
- On Transportation
- On Veterans and Military Affairs
- On Welfare

And each of said committees, except the Committee on Rules and Business of the Legislature, shall consist of three on the part of the Senate and seven on the part of the House, with leave to report by bill or otherwise. The Committee on Rules and Business of the Legislature shall consist of the Committee on Rules and Business of the Senate and the Committee on Rules and Business of the House acting jointly.

Joint Rule #10 (Expanded) (Paragraph added from part of Joint Rule #11) p.2

Whenever a document shall be printed under the Joint Rules governing the procedure following a favorable committee report, the number of copies shall be five hundred, unless otherwise ordered. Sufficient copies shall be delivered to the Sergeant-at-Arms of the two houses for the members and officers thereof and the balance shall be delivered to the Document Clerk, who shall reserve one hundred copies for the Departments and for binding, twenty copies for the committee having the same under consideration, and shall be responsible for the equitable distribution of the remainder.

Joint Rule #11 (Revised)

It shall be the duty of the Committee on Rules and Business of the Legislature 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;

To assist in the scheduling of committee hearings and to call before it the chairman of any committee who has held one or more bills or resolves for a period longer than two weeks without planning a time for hearing, for justification of his action, and if sufficient reasons for the delay are not presented, to order the hearing date set;

To call before it the chairman of the reference committee and the sponsor of a document when one or more bills or resolves have been heard by a committee and not reported out of committee within two weeks of the completion of the hearing, at which time

justification for the further holding of the document must be established or the Committee on Rules and Business shall have the discretion to order the document reported out;

To receive all unanimous "Ought Not To Pass" reports from a reference committee and to hold such a report until the end of the session unless a petition shall be presented to it signed by at least 50% of the elected members of the house of origin, in which case the bill and accompanying report, duly noted as having been petitioned for presentation to the branch from which it originated, shall appear on the calendar;

To ascertain from the sponsor the facts supporting a request to introduce legislation after the effective date of the cloture rule and, if at least six of the eight members of the Committee approve, the bill or resolve shall appear on the calendar of the appropriate house, duly noted as having been approved by three quarters of the Committee on Rules and Business, and if, at that time, at least one tenth of the members present rise as objectors, the document shall not be received;

To give approval for legislative action on a bill or resolve without reference to a committee;

To give approval before the introduction of any Memorial shall be permitted.

Joint Rule #19B (Revised)

During any regular session all requests for bills for private or special legislation and all resolves, shall be submitted to the Director of Legislative Research not later than 1 p.m. of the third Friday of January and such measures, in complete final form, shall

be introduced in the appropriate house not later than 1 p.m. of the second Tuesday following; requests for all other legislation shall be submitted to the Director of Legislative Research not later than 1 p.m. of the last Friday of January and such measures, in complete final form, shall be introduced in the appropriate house not later than 1 p.m. of the second Tuesday following.

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.

The Clerk of the House shall cause the first paragraph of this Rule to be published in all daily papers in the State at least twice monthly for the two months immediately preceding the convening of the Legislature in regular session and at least twice during January prior to the third Friday of the month.

House Rule #8 (Deletion of "ex officio")

On Rules and Business of the House,
To consist of three members and the Speaker.

House Rule #31A (New)

The Committee on Rules and Business of the House shall ascertain the justification of continued tabling of unassigned matters by calling before it the member tabling, the sponsor, and the chairman of the committee which heard the document, and if further tabling is not justified it shall set a time and date for removal from the table, serving notice on the calendar as to the legislative day selected.

House Rule #35A (New)

No bill shall be subject to amendment or debate until after it has been given its third reading or a resolve until after it has been read a second time.

House Rule #36 (Additional sentence)

Amendments may be filed with the Clerk of the House for reproduction at any time after a bill or resolve is reported out of committee.

Senate Rule #11A (Additional)

Amendments may be filed with the Secretary of the Senate for reproduction at any time after a bill or resolve is reported out of committee.

Senate Rule #19A (New)

No bill or resolve shall be subject to amendment or debate until it shall have been read twice.

Senate Rule #22A (New)

The Committee on Rules and Business of the Senate shall ascertain the justification of continued tabling of unassigned matters by calling before it the member tabling, the sponsor, and the chairman of the committee which heard the document, and if further tabling is not justified it shall set a time and date for removal from the table, serving notice on the calendar as to the legislative day selected.

Senate Rule #33 (Revised)

At the commencement of the session the President shall appoint the following standing committees.

On Bills in Second Reading,
To consist of four members, any one of whom shall constitute a quorum.

On Engrossed Bills,

To consist of twelve members, any two of whom shall constitute a quorum.

On Rules and Business of the Senate,

To consist of three members and the President.

I N D E X

AMENDMENTS	9, A18
CLOTURE	2-3, 6-7, A16-A17, Table 1 (3a)
COMMITTEES	
HEALTH AND INSTITUTIONAL SERVICES	8, A14
MANUAL	4, A4-A12
ORGANIZATION	7
REFERENCE OF BILLS	5
RULES AND BUSINESS	5-7, A14-A16
DEBATES	7-8, A18
EMERGENCY PREAMBLE	8
ETHICS	8-9
FISH & GAME BILLS	3-4, Tables 2, 3 (4a-4b)
HEARINGS	5-6, A15
SEE ALSO COMMITTEES, MANUAL	
HOME RULE	9-10
LEGISLATIVE ANALYST	10, A13
LEGISLATIVE PROCEDURES, 1959 REPORT	A1-A2
MEMORANDA & SUGGESTIONS	8
MEMORIALS	7
O.N.T.P. REPORTS	5, A9-A10, A16
PENSIONS & CLAIMS	9
PRE-FILING	2, A3
RULES AND BUSINESS <u>SEE</u> COMMITTEES	
TABLING	6, A17-A18