

MAINE STATE LEGISLATURE

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Preliminary Report
117th Maine Legislature
Committee on Total Quality Management in the Legislature
Subcommittee on Rules



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
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 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. McAleve
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- 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 sponsors 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 17, 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, ~~and~~ 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. 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 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 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
- 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:

273914P145F71117

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