

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)

GUIDE TO THE DAILY CALENDAR

**MAINE HOUSE
OF REPRESENTATIVES**

**By Joseph Carleton
November 30, 1998**



Joseph G. Carleton, Jr., of Wells was a member of the Maine House of Representatives from 1990 through 1998 representing District 7, Wells and part of Ogunquit. Representative Carleton was elected Assistant Minority Floor Leader during the 117th Legislature. He also served three terms on the Joint Standing Committee on Banking and Insurance, and was appointed Ranking Minority Member of that committee during the 118th Legislature. Representative Carleton is an attorney practicing in the Wells area.

TABLE OF CONTENTS

Introduction to Revised edition

Courteous Behavior in the House

Path of Bills Through the Legislature

How to be Recognized by the Speaker

House Order of Business:

1. Senate Papers.
2. Messages and documents from the Senate, the executive, heads of departments and others.
3. Reception of petitions, bills and resolves requiring reference to any committee.
4. Orders.
5. Special Sentiment Calendar.
6. Reports of committees and first reading of accompanying bills and resolves.
7. Consent Calendar, First Day.
8. Consent Calendar, Second Day.
9. Bills and resolves reported by committee on bills in the second reading, and on their passage to be engrossed.
10. Bills on their passage to be enacted.
11. Orders of the Day.

Miscellaneous Items

Held Bills

Debate, Voting & Roll Calls

How to Present Floor Amendments

Non-concurrence

Charts Showing Progress of Bills Through Legislature

A Short Primer on Motions

Some Frequently Asked Questions

GUIDE TO THE DAILY CALENDAR

BY JOSEPH CARLETON

Introduction

This Second Revised Edition of the Guide was completed during the last days I served as a member of the 118th Legislature. The goal is to provide a ready reference that members can keep at their desk.

Sections numbered 1 through 10 herein correspond with the 10 numbered sections found in each Daily Calendar. In these sections, the text in CAPITAL LETTERS quotes what is typically said on the floor.

Places in the proceedings where Representatives have the opportunity to get up and speak are in **BOLD PRINT** for easy reference.

The footnotes in this paper are not incidental; they contain essential information about options and explanations about the text and will be very useful to members for understanding context.

Many thanks to those Legislators who have taken the time to review this revision. Special thanks again go to Clerk of the House, Joe Mayo, and Assistant Clerk of the House, Millicent MacFarland, for their helpful comments and corrections.

Rules of the House and Joint Rules (which govern the committee process and relations between the House and Senate) are adopted at the beginning of each Legislature. New legislators are well advised to take time to study these rules. Parliamentary practices that is not covered by the written rules are governed by Mason's Manual of Legislative Procedure.

The House Calendar is usually available about 8:00 a.m. on the day of session. However, members can examine the Calendar the evening before the session at the Legislative Internet page. The address is:

<http://www.state.me.us/legis/house/hcalfr.htm>.

The House Calendar is also posted outside the door of the Clerk's Office the evening before each legislative day.

Please let the Clerk of the House know what corrections, additions and clarifications might be useful for future editions of this Guide.

Courteous Behavior in the House

Some things to remember:

- Always get a script from the Clerk, unless you are very sure of the process.
- Notify Leadership or the Speaker what you will be doing beforehand.
Nobody likes surprises.

Courtesies commonly violated:

- Not starting your address to the Speaker with "Thank you, Mr. Speaker, men and women of the house (or ladies and gentlemen, or similar).
- Walking in front of someone who is speaking on the floor.
- Referring to the Chief Executive as the "Governor" in debate.
- Referring to the Other Body as the "Senate" in debate.
- Referring to actions taken by the Governor or the Senate in debate.
- Forgetting that Orders¹ are passed, Resolutions² are adopted and Reports are accepted.
- Not knowing when to "object to" and when to "set aside."
- "Asking" that something be tabled, indefinitely postponed, etc., instead of "moving" that it be done.

Doing these things incorrectly causes no real harm, but marks you as an amateur in parliamentary practice.

Path of Bills Through the Legislature

The most frequently asked question about bills by legislators is "what happens next?" Understanding the path of bills through the Legislature is essential to understanding the process and being an effective legislator. The first step in understanding the route any bill takes is to determine whether the prime sponsor was a member of the House or the Senate, because the route of enactment varies depending on this fact. The designation "H.P.____" or "S.P.____" on the face of bill and in the Calendar will always give members this information.

- Unanimous Ought Not To Pass reports from committee are filed without further action by the House or Senate. No floor action is possible.³
- Other bills (unless derailed by a negative vote) go through the following path:

¹ Orders differ from resolutions in that the language giving effect to the proposal is the word "order", making the declaration mandatory, if passed.

² Resolutions are used for making declarations, stating policies and making decisions where some other form is not required. They are generally treated procedurally the same as orders in Mason's Manual, section 145.

³ Bills receiving an unanimous ought not to pass go into the "dead" file, and can be retrieved later only by a Joint Order passed by a 2/3 vote from each House.

- a. passage to be engrossed in the body of the prime sponsor⁴
- b. passage to be engrossed in the other body
- c. concurrence process - i.e. reconciling the House and Senate versions if possible
- d. final passage in House⁵
- e. final passage in Senate
- f. presentation to Governor for signature

→In case of a negative vote (acceptance of Ought Not to Pass report or defeat of bill on passage to be engrossed) the bill goes to other body for action.

→If the House and Senate versions of the bill are different, then the bill is in non-concurrence, and further action by each body is required, in an effort to reconcile the differences. If the House and Senate are unable to reconcile their differences, the bill dies.

THE FLOW CHARTS ON PAGES 21 AND 22 SHOW THE TYPICAL PATH OF LEGISLATION.

How to be Recognized by the Speaker

In all cases, a Member must be recognized by the Speaker before speaking.⁶ A member may activate his or her request to speak button during another member's speech, to indicate an intention to speak, but may not actually rise until the person having the floor is done speaking. When the speaker having the floor finishes, it is appropriate to rise and say "MR. SPEAKER" to get the attention of the Speaker. The Speaker will recognize a Member with the words "THE CHAIR RECOGNIZES THE REPRESENTATIVE FROM ____, REPRESENTATIVE ____", after which the Member always states⁷ "THANK YOU, MR. SPEAKER" and then addresses the House with introductory words "MEN AND WOMEN OF THE HOUSE", or similar.

⁴ Bills raising revenue must be sponsored by a member of the House, rather than a Senator.

⁵ Final passage (enactment) is always done first in the House, even if the bill was passed to be engrossed in the Senate first, the bill having had a Senator as prime sponsor.

⁶ House Rule 401 (6) says that a member may not interrupt another member while the other is speaking, except to "call to order" or "correct a mistake". A call to order is more commonly understood as rising to a "point of order". To do so a member rises (and can interrupt anyone who has the floor) and says "Mr. Speaker". The Speaker will then ask "For what purpose does the representative rise", and the member states that it is for a point of order, and states the point of order. It is not clear to this author what "correct a mistake" refers to.

⁷ Members should wait after being recognized until the member's microphone light turns on before speaking.

Abbreviations used herein:

S = Speaker

C = Clerk

REP = Representative

CHAIR = Committee Chair

1. Senate Papers

Reference matters. Bills in which a Senator⁸ is the prime sponsor go first to the Senate which votes which committee to refer the bill to. Then the bill comes to the House in this section for reference⁹ by the House. Bills introduced by a member of the House, referred to a committee in the House, and then referred to a different committee by the Senate, come back to the House in this section, in non-concurrence.

See section 3 for more information about the scripts for referencing.

Non-concurrent matters. Where House and Senate have passed to be engrossed or passed to be enacted different versions of the same bill, the bill appears on the House calendar in this section for concurrence. See the section in this paper on "non-concurrence" for a discussion of this item.

Resolutions Sponsored by a Senator. These appear first in this section. Unanimous "Ought to Pass" and Unanimous "Ought to Pass" as amended Senate committee reports go on the Consent Calendar, First Day¹⁰.

2. Messages and Documents from the Senate, the executive, heads of departments and others

These communications usually involve nothing more than reading and filing correspondence, but occasionally a reference to committee is required¹¹. In these cases, any floor discussion is usually conducted by Committee chairs. This is also the place where the House considers Gubernatorial vetoes, where Senate actions on non-

⁸ Bills in which a Senator is the prime sponsor go to the Senate first for reference, and after they are reported out of committee they go to the Senate first for consideration. The designation H.P. (House paper) or S.P. (Senate paper) indicates the house of the prime sponsor.

⁹ "Reference" is the process by which the House and Senate separately decide which Committee will deal with the bill. Printed bills contain a suggested reference, but the House and Senate must determine and agree on the Committee. If they fail to agree, the bill dies.

¹⁰ See Section 7.

¹¹ This is true when the communication is from the Chief Executive, nominating a person to a position requiring Legislative confirmation.

concurrence have resulted in killing a bill, and where notices of Unanimous Ought Not to Pass reports from committees are filed.

S MESSAGES AND DOCUMENTS FROM THE SENATE, THE EXECUTIVE, HEADS OF DEPARTMENTS AND OTHERS.

C ITEM 2-1 IS A COMMUNICATION (STARTS READING).

S (INTERRUPTING) THE REP FROM ____, REP ____, MOVES THAT FURTHER READING OF THIS COMMUNICATION BE DISPENSED WITH. IS THIS THE PLEASURE OF THE HOUSE? (GAVEL). IT IS A VOTE.

S IS IT NOW THE PLEASURE OF THE HOUSE THAT THIS COMMUNICATION BE PLACED ON FILE? (GAVEL) IT'S A VOTE.

3. Reception of petitions¹², bills and resolves requiring reference to any committee

In this section, the House decides which committee will hear a particular bill introduced by a House member¹³. Usually, the chair of the committee is recognized, and the chair makes the motion. Occasionally there will be disputes among chairs about which committee will get the bill, usually resulting in the item being tabled until it can be worked out.

S RECEPTION OF PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE TO ANY COMMITTEE.

C ITEM 3-1 (READS BILLS TO BE REFERENCED TO COMMITTEE, BY COMMITTEE.)

S THE CHAIR RECOGNIZES THE REPRESENTATIVE FROM _____, REPRESENTATIVE _____.¹⁴

CHAIR (MAY MOVE TO SET ASIDE AN ITEM) I MOVE THAT WE SUSPEND THE RULES, DISPENSE WITH THE READING OF ITEMS ____, REFER THESE BILLS TO THE COMMITTEE ON ____, ORDER THEM PRINTED, AND SEND THEM UP FOR CONCURRENCE.

S THE REPRESENTATIVE FROM _____, REPRESENTATIVE _____, HAS MOVED THAT FURTHER READING OF THESE ITEMS BE DISPENSED

¹² Little used constitutional principle as to the right of citizens to petition their government. This is separate and distinct from the petition and people's veto processes in the State Constitution.

¹³ Bills contain both an LD number ("Legislative Document") and either an H.P. ("House Paper") or S.P. (Senate Paper) number, indicating whether the primary sponsor is a member of the House or Senate, and also indicating whether the bill goes to the House or Senate first for reference to committee, and after the committee has finished work on the bill, whether it goes to the House or Senate first for consideration.

¹⁴ The chair of the committee to which the matter is to be referred is, by established practice, (Mason's would say "custom, usage and precedent") invariably called on.

WITH, THAT THESE ITEMS BE REFERRED TO THE COMMITTEE ON _____, ORDERED PRINTED AND SENT THEM UP FOR CONCURRENCE. IS THIS THE PLEASURE OF THE HOUSE? (GAVEL) IT IS A VOTE.¹⁵

S (OPTIONAL) IS THERE OBJECTION TO ALL ITEMS REQUIRING REFERENCE BEING SENT FORTHWITH?¹⁶

S THERE BEING NO OBJECTION IT IS SO ORDERED.

4. Orders

Orders relate to the internal operation of the Legislature. Orders may be "House orders" relating only to the operation of the House (and needing passage only by the House) or "Joint orders", requiring passage by both House and Senate.¹⁷

S ORDERS, THE HOUSE IS PROCEEDING UNDER ORDERS.

S THE CHAIR RECOGNIZES THE REP FROM __, REP __.

REP THANK YOU MR. SPEAKER. I PRESENT AN ORDER AND MOVE ITS PASSAGE (AND WISH TO SPEAK TO MY MOTION).

S THE REP FROM __, REP __, PRESENTS AN ORDER AND MOVES ITS PASSAGE.

S THE CLERK WILL READ THE ORDER.

C (READS ORDER).

S (OPTIONAL) IS IT THE PLEASURE OF THE HOUSE THAT FURTHER READING OF THE ORDER BE DISPENSED WITH? (GAVEL) IT IS A VOTE.

S THE CHAIR RECOGNIZES THE REP FROM __, REP __.
(DEBATE, IF ANY)

S IS IT THE PLEASURE OF THE HOUSE THAT THIS ORDER RECEIVE PASSAGE? (GAVEL) IT IS A VOTE).

¹⁵ If only 1 item is scheduled to go to a committee, the Speaker usually handles it himself, without calling on committee chairs.

¹⁶ The Speaker may ask at any time in the proceedings whether the items may be sent forthwith. Its purpose is to get items acted upon sent to the Senate. It also has the effect of preventing an item to be subsequently "held" for the purposes of reconsideration.

¹⁷ The rules require some types of orders to receive a 2/3 vote of those present and voting. (e.g. an order recalling a bill from the "dead" file). Unlike bills and resolves, orders are not subject to the rules regarding cloture, and may be submitted any time during the session.

5. Special Sentiment Calendar

Sentiments are expressions of the Legislature to honor citizens for their achievements or to note their passing¹⁸. Representatives should notify the Clerk ahead of time if they have a sentiment they wish to speak on. They should also tell the Clerk which day it should be placed on the calendar if the recipient is expected to be present in the chamber so that it will be acted upon at the proper time.¹⁹

If you wish to present a sentiment, rise immediately after the Speaker says "Special Sentiment Calendar."

S SPECIAL SENTIMENT CALENDAR.
S THE CHAIR RECOGNIZES THE REP FROM ____, REP ____.
REP THANK YOU MR. SPEAKER. I OBJECT TO ITEM ____ (AND MOVE THIS ITEM BE Tabled 1 LEGISLATIVE DAY)²⁰
S THE CLERK WILL READ THE SPECIAL SENTIMENT.
C (READS THE SENTIMENT)
S THE CHAIR RECOGNIZES THE REP FROM ____, REP ____.
REP (MAKES REMARKS)
S IS IT THE PLEASURE OF THE HOUSE THAT THIS SENTIMENT RECEIVE PASSAGE? (GAVEL) IT IS A VOTE²¹

6. Reports of Committees and First Reading of Accompanying Bills and Resolves

Reports of committees first come to the floor under this section.²² This is the first step in consideration of bills, with the exception of unanimous Ought to Pass reports which appear in section 7. Most of the reports appearing in this section are

¹⁸ A Member may ask the Revisor's Office for a Sentiment to honor any person or group for outstanding achievement or to honor outstanding citizens on their passing. It is common for members who have sponsored Sentiments to subsequently present them to the recipient of the Sentiment at some public meeting in their district. Although the passage of Sentiments in the House may seem very routine, recipients feel very honored to receive them, and sponsorship of these sentiments builds good will for the member in the district.

¹⁹ It is customary to include as cosponsors those Senators and House members who represent the districts in which the recipients reside or work. The Revisor's Office will add them on request. It is not generally necessary to seek out and obtain the consent of the cosponsors.

²⁰ It is counterintuitive that the sponsor of a Sentiment "object" to it, but it is the only way a sponsor can talk about it afterwards; and it has to be done at this stage in the proceedings. An item can usually be tabled for up to two Legislative Days.

²¹ Nothing is usually said about other sentiments not objected to.

²² "Unanimous Ought Not to Pass" reports go directly to the "dead file" (which are simply filed) and can only be brought back by an order passed by a 2/3 vote of both houses and "Unanimous Ought to Pass" reports go on the Consent Calendar- see Section 7 of this paper.

divided reports, but there are some exceptions, such as reports pursuant to statute or joint order, reports of Committees of Conference, or a committee study.

Bills whose primary sponsor is a member of the Senate go to the Senate for passage to be engrossed before they come to this section on the House calendar. The House calendar contains, for informational purposes only, a statement of the report accepted by the Senate and any amendments to the bill adopted by the Senate.

Items in this section are taken up and disposed of one at a time.

The procedure under this Section 6 can be summarized as follows:

- 1. Accept a Committee Report.*
- 2. First Reading of the Bill.*
- 3. Motion to adopt Committee Amendment, if any.*
- 4. Adoption of any Senate amendments to the Committee Amendment.*
- 5. Presentation and adoption of any House Amendments to the Committee Amendment.*
- 6. Adoption of the Committee Amendment, if any, as amended by Senate and House Amendments, if any.*
- 7. Assigning the time for Second Reading of the bill.*

If the report is a divided report, the script begins as follows:

S REPORTS OF COMMITTEES AND FIRST READING OF
 ACCOMPANYING BILLS AND RESOLVES.

S DIVIDED REPORT.

C ITEM ___ IS A DIVIDED REPORT (READS REPORT, INCLUDING THE
 NAMES OF COMMITTEE MEMBERS WHO SIGNED EACH REPORT).

Step 1. Moving and Accepting a Report.

S THE CHAIR RECOGNIZES THE REP FROM ___, REP ___²³

REP THANK YOU, MR. SPEAKER. I MOVE THE HOUSE ACCEPT THE
 MAJORITY OTP (MINORITY ONTP) REPORT (AND WISH TO
 SPEAK ON MY MOTION) (AND FURTHER MOVE THIS ITEM BE
 TABLED ___).²⁴

S THE REP FROM ___, REP ___, MOVES THE HOUSE ACCEPT THE
 _____ REPORT.

²³ Traditionally, it is the chair of the committee which considered the bill who is called on at this point.

²⁴ It is improper to speak to the motion and then move to table.

REP (DEBATE, IF ANY).²⁵
(VOTING ON ACCEPTANCE OF THE REPORT)^{26 27}

Step 2. First reading of the bill.

S (IF AN OUGHT TO PASS REPORT HAS BEEN ACCEPTED) FIRST READING OF THE BILL.
C (STARTS READING).
S THE CHAIR UNDERSTANDS THAT THE REP FROM ____, REP ____, MOVES THAT FURTHER READING OF THE BILL BE DISPENSED WITH. IS THIS THE PLEASURE OF THE HOUSE? (GAVEL) IT IS A VOTE.

Step 3. Motion to accept Committee Amendment to the bill:

S THE CLERK WILL READ COMMITTEE AMENDMENT ____.
S THE CHAIR UNDERSTANDS THAT THE REP FROM ____, REP ____, MOVES THAT FURTHER READING OF COMMITTEE AMENDMENT ____ BE DISPENSED WITH. IS THIS THE PLEASURE OF THE HOUSE? (GAVEL) IT IS A VOTE.

Step 4. Adoption of any Senate amendments to the Committee amendment.

S (OPTIONAL)²⁸THE CLERK WILL READ SENATE AMENDMENT ____ TO COMMITTEE AMENDMENT ____.
C (STARTS READING)
S THE CHAIR UNDERSTANDS THAT THE REPRESENTATIVE FROM ____, REPRESENTATIVE ____ MOVES THAT FURTHER READING OF SENATE AMENDMENT ____ BE DISPENSED WITH. IS THIS THE PLEASURE OF THE HOUSE? (GAVEL) IT IS A VOTE.
S (OPTIONAL) IS IT THE PLEASURE OF THE HOUSE THAT SENATE AMENDMENT ____ BE ADOPTED? (GAVEL).

²⁵ A Representative could move to indefinitely postpone the bill and accompanying papers. If unsuccessful, a motion could then be made to accept either report.

²⁶ If an "Ought Not To Pass" Report is accepted at this point, the House takes no further action under this Section. The bill goes to the Senate for concurrence. If the Senate concurs, the bill goes to the "dead" file and can only be retrieved by a joint order which requires a 2/3 vote of both bodies for passage.

²⁷ If there is more than one "Ought to Pass" report, the defeat of one such report leaves the floor open for a motion to adopt the other "Ought to Pass" report.

²⁸ Adoption of Senate amendments by the House at this point can occur only when the bill has first gone to the Senate for passage to be engrossed. Although the script herein assumes that the Senate amendments will be adopted without debate, the House has the option of refusing to adopt Senate amendments.

Step 5. Presenting and Adopting a House Amendment to the Committee Amendment.

This is the point where House amendments to the Committee Amendment must be introduced. Amendments to the bill must be offered after second reading. Any Representative wishing to submit an amendment should consult the Revisor's Office prior to first reading to confirm the appropriate time to present their amendment. The text of the amendment itself will indicate whether it is an amendment to the Committee Amendment, or an amendment to the bill.

S THE CHAIR RECOGNIZES THE REP FROM ____, REP ____.

REP THANK YOU, MR. SPEAKER, I PRESENT HOUSE AMENDMENT __ TO COMMITTEE AMENDMENT ____, WITH A FILING NUMBER OF ____, AND MOVE ITS ADOPTION (AND WISH TO SPEAK TO MY MOTION).

S THE REP FROM ____, REP ____, PRESENTS HOUSE AMENDMENT ____, TO COMMITTEE AMENDMENT ____ AND MOVES ITS ADOPTION. THE CLERK WILL READ THE AMENDMENT.

C (STARTS READING)

S THE CHAIR UNDERSTANDS THAT THE REP FROM ____, REP. ____, MOVES THAT FURTHER READING OF THE AMENDMENT BE DISPENSED WITH. IS THIS THE PLEASURE OF THE HOUSE? (GAVEL) IT IS A VOTE.

S THE CHAIR RECOGNIZES THE REP. FROM ____, REP ____.

REP (DEBATE ON THE HOUSE AMENDMENT)²⁹

S IS IT THE PLEASURE OF THE HOUSE THAT HOUSE AMENDMENT __ TO COMMITTEE AMENDMENT __ BE ADOPTED?

Step 6. Adoption of Committee amendment, if any, as amended by Senate and House amendments, if any, to Committee Amendment, if any. Usually done without debate

S IS IT THE PLEASURE OF THE HOUSE TO ADOPT COMMITTEE AMENDMENT ____³⁰(AS AMENDED BY SENATE AMENDMENT ____)(AS AMENDED BY HOUSE AMENDMENT __ THERE TO)? (GAVEL) IT IS A VOTE.

²⁹ The debate should be confined to the amendment itself.

³⁰ A Representative could move to indefinitely postpone the amendment which, if successful, would leave pending the ongoing bill.

Step 7. Assigning time for second reading of the bill.

S WHAT TIME DOES THE HOUSE ASSIGN FOR THE SECOND READING OF THE BILL? AT THE BEGINNING OF THE NEXT LEGISLATIVE DAY (OR LATER IN TODAY'S SESSION)³¹.

7. Consent Calendar, First Day

Bills which are reported out of committee "Unanimous Ought to Pass" (with or without committee amendments or with or without fiscal notes) go on the Consent Calendar and do not come to the House under section 6 above. If they are not objected to after appearing on the consent calendar for 2 days, they are considered to be passed to be engrossed, but must still come back to the House for enactment (See Section 10).

S CONSENT CALENDAR, FIRST DAY.

C ON CONSENT CALENDAR, FIRST DAY, THERE ARE ___ ITEMS.

S THE CHAIR RECOGNIZES THE REP FROM ___, REP ___.

REP THANK YOU MR. SPEAKER. I OBJECT TO ITEM _____

S ITEM ___ IS OBJECTED TO³².

S WITH RESPECT TO THESE ___ BILLS AND ___ RESOLVES ___ (THE ONES NOT OBJECTED TO), UNLESS THERE IS OBJECTION, THE UNANIMOUS COMMITTEE REPORT WILL BE CONSIDERED ACCEPTED, AND THESE ITEMS WILL APPEAR ON CONSENT CALENDAR, SECOND DAY, ON THE NEXT LEGISLATIVE DAY. HEARING NO OBJECTION, IT IS SO ORDERED.

S THE CHAIR RECOGNIZES THE REP FROM ___, REP ___³³

REP (IF THE REP WANTS TO TAKE ANY ACTION OTHER THAN SIMPLY TAKING THE ITEM OFF THE CONSENT CALENDAR, SUCH AS A MOTION TO TABLE, INDEFINITELY POSTPONE, ETC, HE OR SHE SPEAKS AT THIS POINT)³⁴

(VOTING ON ANY MATTER WHICH REQUIRES IT RAISED BY THE REP.)

³¹ Although the Speakers script phrases the assignment of time for second reading in the form of a question to the House, it is the Speaker who makes the decision.

³² Others who object to a particular item also do so at this point.

³³ The Speaker will recognize Representatives who have objected to items in the order the items appear on the Consent Calendar, not the order in which they make their objection.

³⁴ In the absence of further motions by the member, the Speaker immediately goes to the procedure in section 6 herein (asking for a motion to accept the unanimous committee report), the first reading of the bill, adopting house amendments to committee amendments, committee amendments as amended, and assigning the bill for Second Reading.

8. Consent Calendar, Second Day

S CONSENT CALENDAR, SECOND DAY.

C ON CONSENT CALENDAR, SECOND DAY, THERE ARE ___ ITEMS.

S THE CHAIR RECOGNIZES THE REP FROM ____, REP ____.

REP THANK YOU MR. SPEAKER. I OBJECT TO ITEM ____.

S ITEM ___ IS OBJECTED TO.

S THESE (UNOBJECTED TO) ITEMS, HAVING APPEARED ON THE CONSENT CALENDAR SECOND DAY LISTING, UNLESS THERE IS OBJECTION, WILL BE CONSIDERED TO BE PASSED TO BE ENGROSSED OR PASSED TO BE ENGROSSED IN CONCURRENCE.³⁵ HEARING NO OBJECTION, IT IS SO ORDERED.

S THE CHAIR RECOGNIZES THE REP FROM ____, REP ____.

REP (IF THE REP WANTS TO TAKE ANY ACTION OTHER THAN SIMPLY TAKING THE ITEM OFF THE CONSENT CALENDAR, SUCH AS A MOTION TO TABLE, INDEFINITELY POSTPONE, ETC, HE OR SHE SPEAKS AT THIS POINT).³⁶

(VOTING ON ANY MATTER WHICH REQUIRES IT RAISED BY THE REP.)

After this, bills whose primary sponsor is a House member, goes to the Senate, where it goes through first and second reading, with amendments, if any, and comes back at a later date for final passage to be enacted by the House.

9. Bills in the Second Reading

This is where bills which have survived the process to this point, get their Second Reading, This is usually done one Legislative day after first reading; but occasionally, near the end of session, it can occur on the same day. Most importantly, this is also the place where House Amendments to the bill are dealt with.

S BILLS IN THE SECOND READING.

As to each item in this section, the following takes place:

C (READS REPORT)

³⁵ Senate Papers appearing on the Consent Calendar do not return to the Senate, but rather go directly to be Engrossed.

³⁶ In the absence of further motions by the member, the Speaker immediately goes to the procedure in section 6 herein (asking for a motion to accept the unanimous committee report), the first reading of the bill, adopting house amendments to committee amendments, committee amendments as amended, and assigning the bill for Second Reading.

S IS IT THE PLEASURE OF THE HOUSE TO ACCEPT THE COMMITTEE REPORT?³⁷ (GAVEL) IT IS A VOTE.

S SECOND READING OF THE BILL BY TITLE ONLY, UNLESS THERE IS OBJECTION

C (READS BILL TITLE ONLY)

After all items are so read:

S THE CHAIR RECOGNIZES THE REP FROM ____, REP ____.

REP THANK YOU, MR. SPEAKER, I REQUEST THAT ITEM (BE SET ASIDE)³⁸

S ITEM ____ WILL BE SET ASIDE.³⁹

S WITH RESPECT TO ITEMS (THE ONES NOT SET ASIDE), THESE BILLS HAVING HAD THEIR TWO SEVERAL READINGS AND THE COMMITTEE ON BILLS IN THE SECOND READING REPORTS NO FURTHER VERBAL AMENDMENTS NECESSARY, IS IT THE PLEASURE OF THE HOUSE THAT THESE BILLS (AND RESOLVES) BE PASSED TO BE ENGROSSED⁴⁰ (OR ENGROSSED IN CONCURRENCE)? (GAVEL) IT IS A VOTE.

S THE CHAIR RECOGNIZES THE REP FROM ____, REP ____, IN REFERENCE TO ITEM ____⁴¹.

REP MR. SPEAKER, I PRESENT⁴² HOUSE AMENDMENT ____ WITH A FILING NUMBER OF H ____ TO LD ____ AND MOVE ITS ADOPTION (AND FURTHER WISH TO SPEAK TO MY MOTION) (OR MOVES TO TABLE, INDEFINITELY POSTPONE, ETC).⁴³

S THE CLERK WILL READ THE AMENDMENT.

C (STARTS READING)

S THE CHAIR UNDERSTANDS THAT THE REP FROM ____, REP ____, MOVES THAT FURTHER READING OF HOUSE AMENDMENT ____ BE

³⁷ The Committee Report referred to here is the report of the Committee on Bills in the Second Reading.

³⁸ The item to be set aside is referred to by number ("Item 9-1") and are taken up by the Speaker in the order the items appear on the Calendar, not the order in which members set them aside.

³⁹ Others who wish items to be set aside are recognized and name the items they want set aside.

⁴⁰ Engrossment is the process by which committee and house amendments are incorporated into the original bill.

⁴¹ The Speaker will recognize Representatives in the order that the items appear on the list, not in the order the items were set aside.

⁴² House rules require that the amendment be distributed to members at their desks by this point. A member wishing to present an amendment should check with the Clerk beforehand to make sure that it is ready.

⁴³ The Chair will generally take up amendments in alphabetical order - first House amendment "A", then "B", etc. Note that a member is not required to offer the amendment once it is drafted and distributed to members if the Representative has a change of heart.

DISPENSED WITH. IS THIS THE PLEASURE OF THE HOUSE?
(GAVEL) IT IS A VOTE.

S THE CHAIR RECOGNIZES THE REP FROM ___, REP ___, IN REFERENCE
TO ITEM ____.

REP (DISCUSSES HIS/HER AMENDMENT)
(FLOOR DEBATE AND VOTE)

10. Bills on their Passage to be Enacted

This is the last vote taken by the House on a bill - passage to be enacted. If the bill passes on this vote, and passes the Senate, it goes directly to the Governor.⁴⁴ Note that this is the place where emergency bills and mandates require a 2/3 vote of the entire elected membership (i.e. 101 votes). Up to this point only a majority vote is required.

The bill cannot be amended at this point without "backing up" the bill through suspension of the rules, reconsideration, etc. This is sometimes done to correct technical errors. If the reason for the motion to suspend the rules is not given by the person making the motion, it is always in order to ask why the motion is being made (Mason's Rules, Section 279).

An engrossed bill may be "backed up" without suspending the rules if the motion is made not later than 1 Legislative day after the bill has been engrossed or the amendment adopted.

S ENACTORS

AS TO EACH EMERGENCY MEASURE OR MANDATE

S EMERGENCY MEASURE

C THE COMMITTEE ON ENGROSSED BILLS REPORTS ITEM ___ AS AN
EMERGENCY (MANDATE) MEASURE, ETC.

S THIS BILL HAVING HAD TWO SEVERAL READINGS IN BOTH THE
HOUSE AND THE SENATE AND HAVING BEEN REPORTED BY THE
COMMITTEE ON ENGROSSED BILLS AS TRULY AND STRICTLY
ENGROSSED, IS IT THE PLEASURE OF THE HOUSE THAT THIS BILL
BE PASSED TO BE ENACTED? THIS BEING AN EMERGENCY
(MANDATE) MEASURE UNDER THE TERMS OF THE CONSTITUTION,

⁴⁴ Bills having a fiscal impact are not voted by the Senate immediately. They go on the Special Appropriations Table or Highway Table. They are acted upon near the end of the session. Frequently there is not enough money left at the end of session to fund all bills that have survived the process so far. Many bills on the Appropriations table die because the Appropriations Committee votes not to fund them. This is one of the reasons why the Appropriations Committee is deemed to be so powerful.

THE AFFIRMATIVE VOTE OF TWO-THIRDS OF THE ENTIRE ELECTED MEMBERS OF THE HOUSE IS NECESSARY.

S THOSE IN FAVOR OF PASSAGE WILL VOTE YES. THOSE OPPOSED WILL VOTE NO.⁴⁵

S IS THE HOUSE READY FOR THE QUESTION? THE CHAIR WILL OPEN THE VOTE.

(VOTING).⁴⁶

S ___ HAVING VOTED IN THE AFFIRMATIVE AND ___ HAVING VOTED IN THE NEGATIVE, AND ___ BEING MORE THAN 2/3 OF THE ENTIRE ELECTED MEMBERSHIP OF THE HOUSE , THIS BILL IS PASSED TO BE ENACTED, AND WILL BE SIGNED BY THE SPEAKER AND SENT TO THE SENATE.

After all emergency bills and mandates are disposed of, the remaining bills are dealt with. The first step is that the Clerk and Speaker go through all remaining bills in this section

AS TO NON- EMERGENCY ITEMS,

S ENACTORS.

C THE COMMITTEE ON ENGROSSED BILLS REPORTS (READS ALL ITEMS ON THE LIST)⁴⁷

After all items are read:

S THE CHAIR RECOGNIZES THE REP FROM ____, REP ____.

REP THANK YOU, MR. SPEAKER. I REQUEST THAT ITEM ____ BE SET ASIDE.

S ⁴⁸IN REFERENCE TO ITEMS ____, WITH THE EXCEPTION OF (ITEMS SET ASIDE) THESE ____ BILLS AND __ RESOLVES, HAVING HAD THEIR TWO SEVERAL READINGS IN THE HOUSE AND SENATE AND

⁴⁵ It is not usual to debate the bill at this point (the die having usually been cast by preceding votes); but if a Rep wishes to do so, he or she can do it at any point before the vote is opened.

⁴⁶ The House bell summons legislators in to vote on emergency bills and mandates, and this has resulted in some confusion by new members, because ordinarily the ringing bell signifies a roll call vote. However, emergency bills are not usually recorded votes, unless someone has specifically asked for a roll call.

⁴⁷ This is the point, after the Clerk has finished reading the entire list, to set aside any particular items.

⁴⁸ After all those wishing to set aside items are recognized.

HAVING BEEN PASSED TO BE ENGROSSED IN BOTH THE HOUSE AND SENATE, AND THE COMMITTEE ON ENGROSSED BILLS HAVING REPORTED THEM AS TRULY AND STRICTLY ENGROSSED, IS IT NOW THE PLEASURE OF THE HOUSE THAT THESE BILLS BE PASSED TO BE ENACTED? (GAVEL) IT IS A VOTE. THESE BILLS WILL BE SIGNED BY THE SPEAKER AND SENT TO THE SENATE.

S THE CHAIR RECOGNIZES THE REP FROM __, REP ____⁴⁹

REP (DISCUSSES THE LD THAT WAS SET ASIDE.)

(EACH ITEM SET ASIDE TAKEN CARE OF, IN TURN)

11. Orders of the Day

Orders of the day comprise matters that were pending when the House last adjourned (Unfinished business) or items tabled (Tabled and today assigned).

The script to be used herein depends on the stage of the proceedings the item was tabled and reference must be made to previous sections as to particulars.

S ORDERS OF THE DAY. THE HOUSE IS PROCEEDING UNDER ORDERS OF THE DAY.

THE CHAIR NOW LAYS BEFORE THE HOUSE THE FOLLOWING MATTERS

ITEM 1, IS ENTITLED....., TABLED ON PENDING

Miscellaneous Items

Held Bills (for Purposes of Reconsideration Motions)

A Representative who has voted on the prevailing side may "hold" a bill by notifying the Clerk (send him a note) before the Speaker asks if all matters which have been acted upon can be sent to the Senate or by objecting when the Speaker asks. The reason for objecting, or holding a bill, is for purposes of reconsideration. A matter cannot be reconsidered if the House does not have possession of the matter when the motion is made.

REP MR. SPEAKER, IS THE HOUSE IN POSSESSION OF LD ____?

S THE CHAIR WOULD ANSWER IN THE AFFIRMATIVE, HAVING BEEN HELD AT THE REPRESENTATIVE'S REQUEST.

⁴⁹ *It is not in order to try to amend bills at this point. Sometimes there is an error found in a bill, so it does have to be "backed up," generally with a series of rule suspensions and reconsideration motions.*

- REP MR. SPEAKER, HAVING VOTED ON THE PREVAILING SIDE⁵⁰, I MOVE THAT WE RECONSIDER OUR ACTION WHEREBY LD ____ WAS PASSED TO BE ENGROSSED (OR EQUIVALENT).
- S THE REP FROM ____, REP ____, MOVES THAT WE RECONSIDER OUR ACTION WHEREBY LD ____ WAS PASSED TO BE ENGROSSED. IS THIS THE PLEASURE OF THE HOUSE?⁵¹ (GAVEL) IT IS A VOTE.
- REP MR. SPEAKER, I NOW MOVE THAT LD ____ BE ____ (AND WISH TO SPEAK TO MY MOTION).
- S THE PENDING QUESTION IS PASSAGE TO BE ENGROSSED (OR EQUIVALENT)
- REP (REMARKS)
- S IS IT THE PLEASURE OF THE HOUSE THAT LD ____ BE ____? (GAVEL) IT IS A VOTE.

Debate, Voting, Roll Calls

Debate must be relevant to the issue at hand⁵². A member may not refer to actions of the Senate or the Governor. Furthermore, the debate must be confined to the question before the body. If the question on the floor is a committee report, or the bill itself, then all aspects of the bill may be debated. However, if the debate concerns an amendment, only the amendment may be debated. A member may not refer to other bills, even if they relate to the same subject.

3-5 Minutes is a good rule of thumb for an effective floor speech. Many speakers who go on at length incorrectly assume that other members are as interested in the subject at hand as they are, and their extended remarks are the subject of disparaging comment off the floor. Especially near the end of the session, many legislators are tired and their attention lags. When the hour is late or debate has gone on for a long time, your comments should be especially short and to the point, if you are to be effective. If you feel a need to speak "for the record", try to remember the last time that you or anyone else actually looked at "the record".

There are two types of votes, divisions and roll calls (otherwise known as the yeas and nays). Division votes are not recorded, meaning that a permanent record is

⁵⁰ When a vote occurs "under the hammer" all members are on the prevailing side.

⁵¹ This is the point to object to reconsideration, if one wishes to do so. Reconsideration requires a majority of those present and voting provided the motion is made within 1 legislative day. Usually, but not always, a motion to reconsider is granted as a courtesy.

⁵² Mason's Manual, Section 101.

not made of who voted for and who voted against. This means that only the vote totals are made part of the permanent record. Roll calls are recorded votes and put a Representative on record as supporting or not supporting the pending motion. Whenever it appears that a particular item is disputed, the Speaker will usually order a division without any motion being made. Any Representative can request a roll call at any point during the debate, even if a division has already been ordered.⁵³ A roll call requires acquiescence of 1/5 of the membership present and voting. When a roll call is requested, the Speaker immediately asks for a show of hands - usually 1/5 will approve⁵⁴. The request for a roll call, if approved, eliminates the vote by division, except at a particular place in the proceedings, that is, when the request is made after the vote on the division is closed by the Speaker, but before the Speaker announces the results⁵⁵.

There is a very short period of time when a Representative may ask for a roll call-after the Speaker has closed the vote, and before he has announced the vote. This gives a second or two to see what the vote total is before making the motion. Keep in mind that if the vote on the division is favorable to your position, you probably do not want to ask for a roll call.

S THE CHAIR WILL ORDER A DIVISION. IS THE HOUSE READY FOR THE QUESTION?

S THE PENDING QUESTION IS ACCEPTANCE OF THE MAJORITY OTP REPORT. IF YOU ARE IN FAVOR OF ACCEPTING THE OTP REPORT, YOU WILL BE VOTING YES. THOSE OPPOSED WILL BE VOTING NO. THE CHAIR WILL OPEN THE VOTE.

S THE CHAIR WILL CLOSE THE VOTE . THE CLERK WILL RUN THE TOTAL.

S THE CHAIR RECOGNIZES THE REP FROM ____, REP ____.

REP MR. SPEAKER, I REQUEST A ROLL CALL) (OR THE YEAS AND NAYS).

(FURTHER DISCUSSION, IF ANY, AND VOTING).

THE CHAIR WILL ANNOUNCE THE VOTE (READS VOTE TOTAL)

⁵³ Many Representatives automatically call for a roll call when their position does not prevail on a division. This writer believes that requests for roll calls are overused. A member should request a roll call when it is desirable to put members on record for political purposes, or if the vote on a division is close, or when a sufficient number of members are outside the Chamber when a division vote is held.

⁵⁴ When the time comes for voting a roll call vote, the Speaker says "IS THE HOUSE READY FOR THE QUESTION? THE SERGEANT AT ARMS WILL SECURE THE CHAMBER. THE CHAIR WILL OPEN THE VOTE." Members are supposed to remain in the Chamber during the vote. They may leave the chamber only with permission of the Speaker, given by a nod to pages at the exits.

⁵⁵ When a roll call is requested after a division, and after the Speaker has ordered a roll call, the floor is still open for further debate.

How to Present Floor Amendments

Two stages in the process allow House amendments to be offered⁵⁶. They are: Section 6, where an amendment to a Committee Amendment must be offered, and

Section 9, where an amendment to the bill itself must be offered

Amendments must be distributed to the membership before they can be offered on the Floor. If you wish to present a House Amendment, you must plan ahead. Go to the Revisor's office on the first floor and ask that office to draft the amendment. You will need to go back to that office later to sign the amendment and take it to the Clerk to be copied and distributed before it comes up on the calendar.

At the appropriate time in the proceedings, and after having been recognized by the Speaker, present the amendment with the words "MR. SPEAKER, I PRESENT HOUSE AMENDMENT ___ WITH A FILING NUMBER OF H-___ AND MOVE ITS ADOPTION (AND WISH TO SPEAK TO MY MOTION)".

Amendments must be germane to the bill itself⁵⁷. Mason's Manual states that the amendment must be relevant, appropriate and in a natural and logical sequence to the subject matter of the original proposal. See Mason's, section 402. The title of the bill is usually examined first in determining germaneness. Also relevant to germaneness is whether the amendment would change the same title of the Revised Statutes as the original bill.

Non-concurrence

When the actions taken by the House and Senate differ, the bodies are said to be in non-concurrence. Maine has a completely different process of enacting bills than most states and Congress, resulting in unique questions involving non-concurrence⁵⁸. As a

⁵⁶ *There is a third option available during the process of concurrence. A floor amendment may be offered after the body has accepted a motion to recede.*

⁵⁷ *Members who wish to change Maine law after the cloture date will sometimes search the titles of pending bills to see if they may accomplish their purpose by amending that bill.*

⁵⁸ *Maine's process is different because, unlike most states and Congress, Maine has joint standing committees, instead of separate House and Senate committees with the same jurisdiction. In most states and Congress, bills go through the entire process of enactment in one house before going to the other house. Differences between the bills enacted by the houses are resolved by conference committees, after which each house votes on the conference committee report. In Maine, bills go back and forth between House and Senate during the process of enactment.*

result, *Mason's Manual* gives no guidance to Maine practice. *Maine's Joint Rules* do not either,⁵⁹ so they will be discussed extensively here.

In Maine, non-concurrence can occur at the following places:

1. On reference of a bill to a committee. (The House and Senate may disagree which committee a bill should be referred to.)
2. On acceptance of a committee report. (The House may accept an "ought to pass" report and the Senate may accept an "ought not to pass" report, or they may accept different "ought to pass" reports.)
3. On passage to be engrossed. (The House may pass a bill to be engrossed, and the Senate may defeat the bill, or the House and Senate may pass different versions of the bill, usually by way of House or Senate amendments adopted at second reading.)
4. On final enactment. (Where one body passes the bill and the other does not.)

When an item comes back to the House or Senate from the other body in non-concurrence, there are several motions that can be made:

Recede: This is where the body simply retreats from its former position. When this happens, the floor is open for further action, including perhaps additional amendments⁶⁰.

Recede and Concur: This is where the body retreats from its former vote (recedes) and agrees to accept the other body's version (concur).

Insist: The body stands by its former position. This is sometimes accompanied by a request for a Committee of Conference.

Adhere: This represents an unyielding attitude on the part of the body.

The above motions are set forth in order of precedence (highest precedence first). For example, if a motion to *Insist* is made, a Representative can immediately stand and make a motion to *Recede and Concur*. The motion to *Recede and Concur* will then be the question before the House, since the *Recede and Concur* motion has precedence over the other motion.

How many times can a bill go back and forth between the House and Senate before it dies? Theoretically, an unlimited number of times. The House or Senate

⁵⁹ Joint rule 402 and House Rule 503 (B) are the only sections of Maine's rules that even mention non-concurrence. The Maine Legislature uses *Hughes' American Parliamentary Guide* for procedural guidance on non-concurrent matters.

⁶⁰ If one wishes to try to kill the bill during the concurrence process, one would first make the motion to recede and then, if successful in that effort, the member would be in order to make the motion to indefinitely postpone. The motion to recede can be a very important tool for the purposes of amending a bill late in the process, since amendments can be offered after the motion to recede has been adopted.

have at all times the option of receding from their prior position and concurring with the actions of the other body, thereby bringing both Houses in concurrence.⁶¹

***General Rule.** A motion by the House or Senate to adhere or insist to a negative motion (Indefinitely Postpone or Ought Not to Pass) kills a bill. A motion to adhere or insist to a positive motion sends the bill back to the other House for one last chance for concurrence.*

Examples:

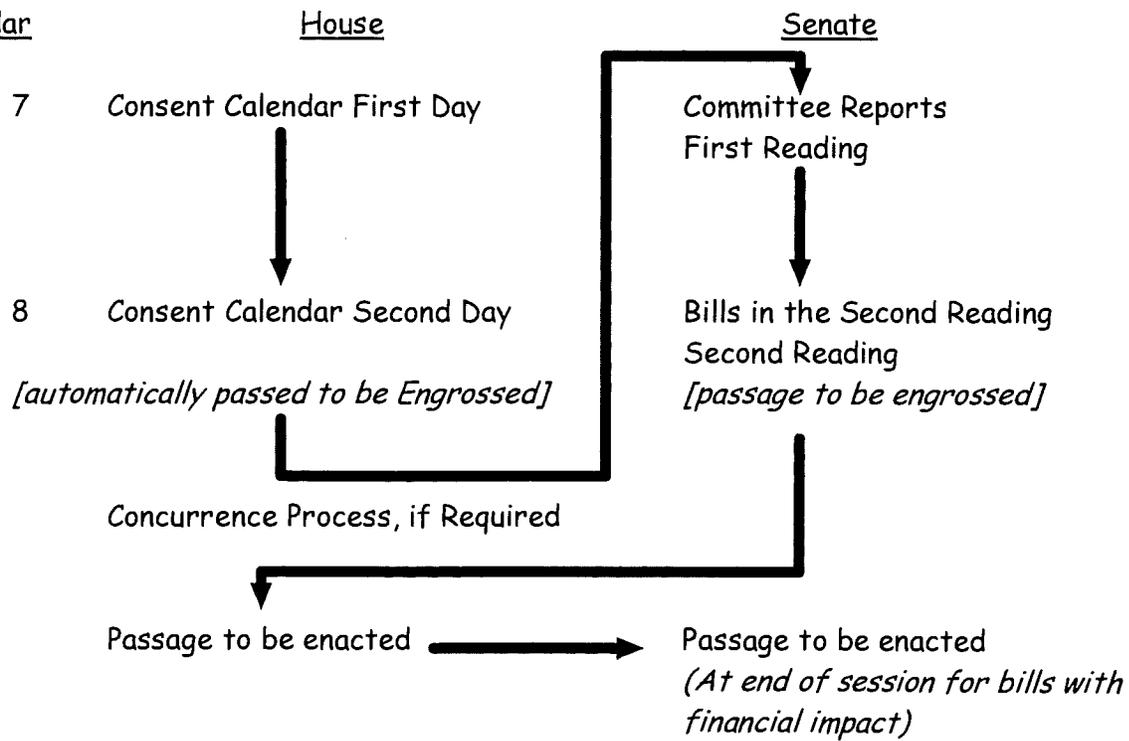
- 1. The House voted "Ought Not to Pass" on acceptance of the committee report. The Senate then accepts an "Ought to Pass" report, then passes the bill to be engrossed. If the House votes to adhere or insist, the bill is dead.*
- 2. Conversely, the House passes the bill to be engrossed, The Senate accepts an "Ought Not to Pass" report. The House insists or adheres. The bill is not dead at this point because the House has insisted or adhered to its positive action in passing the bill to be engrossed. The bill goes to the Senate. If the Senate insists (without asking for a committee of conference) or adheres, the bill is dead.*

Sometimes, the House and Senate pass differing versions of the same bill (with House or Senate amendments). In that case the bill goes back and forth between the Houses until the bodies either concur, or the rules regarding insistence and adherence apply, killing the bill.

⁶¹ *If either of the House or Senate Insists and asks for a committee of conference, the bill goes to the other body, which must agree to the committee of conference.*

Consent Calendar-House Paper (for Unanimous OTP)

Item number
on House
calendar

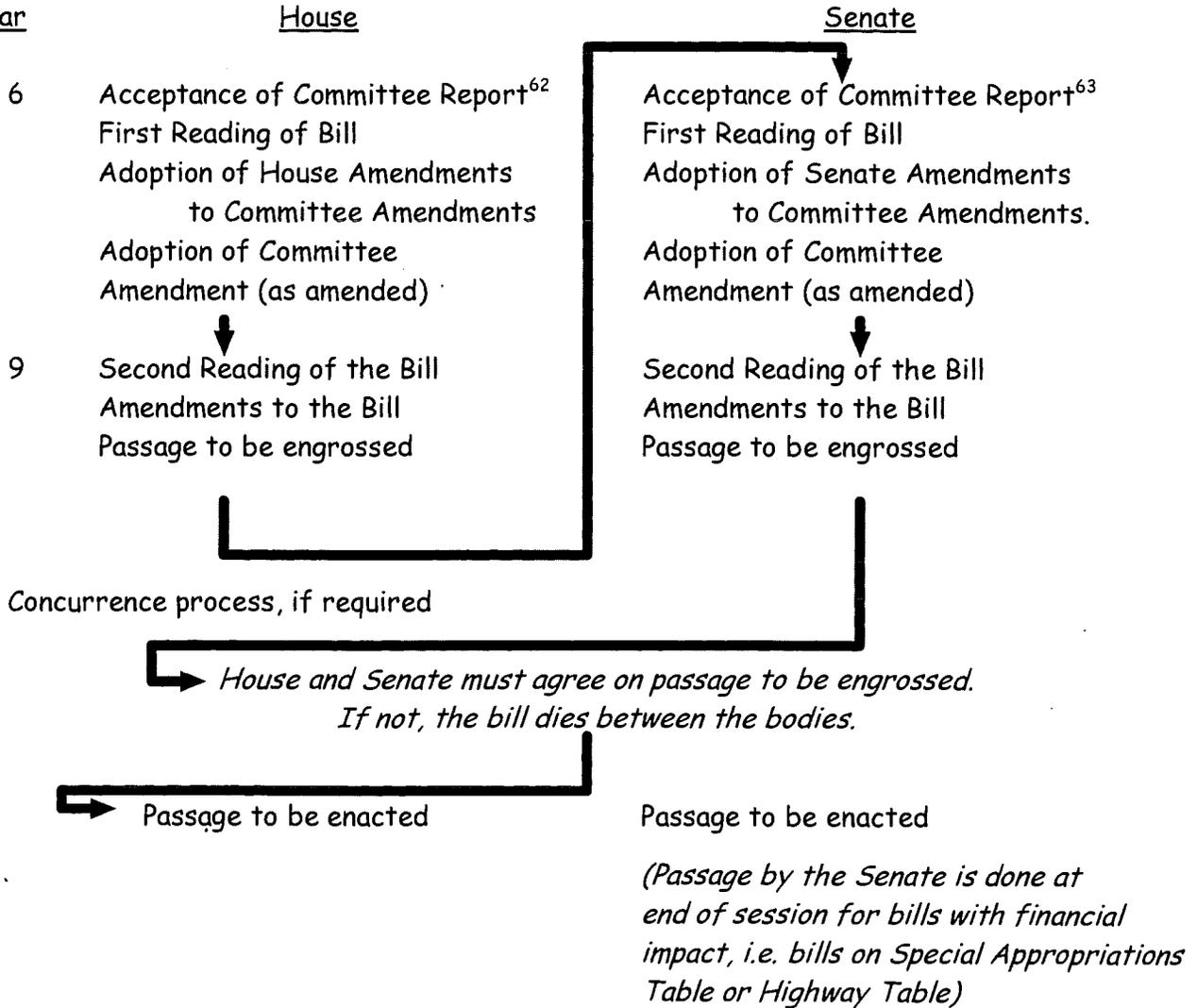


Note: The Senate does not have a Consent Calendar

*If an item on the consent calendar is objected to,
the report is taken off the consent calendar.
The immediate question is then the acceptance of the unanimous Committee Report.*

Path of Bills
Bills introduced by House Member
(Does not include unanimous OTP Reports - which go on Consent Calendar)

Item number
on House
calendar



⁶² If an Ought Not to Pass Report is accepted, the bill immediately goes directly to the other chamber for concurrence.

⁶³ If an Ought Not to Pass Report is accepted, the bill immediately goes directly to the other chamber for concurrence.

A Short Primer on Motions

The most common motions are explained below. It is very important to have in mind the order of precedence of motions. When a motion is pending on the floor, only motions of higher precedence can be offered. For instance, a motion to table can be made while a motion to amend or postpone indefinitely is being considered, but the reverse is not true. The precedence of motions set forth in House Rule 503 is listed below.

- 1st To adjourn
- 2nd To table unassigned
- 3rd For the previous question
- 4th To commit
- 5th To table to a day certain
(i.e. 1 or 2 days, or later in today's session)
- 6th To amend
- 7th To indefinitely postpone

Amend

"I PRESENT HOUSE AMENDMENT ___ WITH A FILING NUMBER OF H___ AND MOVE ITS ADOPTION (AND WISH TO SPEAK TO MY MOTION)(AND FURTHER MOVE THAT THIS ITEM BE TABLED ONE LEGISLATIVE DAY)." Bills, Resolves, Resolutions and Orders may be amended. In order for an amendment to be considered on the floor, it must first be printed and distributed to members. To do this, a Member should go to the Revisor's Office on the first floor in advance of consideration of the bill. Note that bills can be amended only after the Second Reading, and that Committee Amendments can be amended only prior to their adoption. House Rule 506 requires amendments to be germane to the bill being amended.

Table

"I MOVE THIS ITEM BE TABLED ONE LEGISLATIVE DAY," To put aside for the moment and take up at a later time. The three variations are:

- Table until later in today's session
- Table one (or more) legislative days (usually not more than 2)

-Table unassigned (by custom this motion is made by the Majority Leader only)

Motions to table must be voted on without debate.

Members may move the acceptance of a report and move to table at the same time. However, if a member begins to discuss the matter under consideration, he or she cannot (while still standing) make the motion to table. The Representative should, in such cases, say "I request that someone table this item."

Tabling motions occur for many reasons, the most common of which are when:

- A Member wishing to debate the issue is not in the room or not ready
- A proposed amendment is not yet ready

If a member wishes to have an item tabled, the matter should be taken up with party leadership, who will discuss it with the Speaker. In such cases party leadership usually will make the tabling motion. This usually indicates to all present that the tabling motion is non-controversial. Tabling motions made for tactical reasons may sometimes be challenged.

Reconsideration (AFTER ASKING THE SPEAKER "IS THE HOUSE IN POSSESSION OF LD ____" AND RECEIVING AN AFFIRMATIVE RESPONSE) "HAVING VOTED ON THE PREVAILING SIDE, I MOVE RECONSIDERATION OF OUR ACTION WHEREBY THIS ITEM WAS ____, (AND FURTHER MOVE THAT THIS MATTER BE TABLED UNTIL LATER IN TODAY'S SESSION)." The motion to reconsider actions serves to allow the mover to have a chance to have another vote. Must be made within 1 legislative⁶⁴ day of the action⁶⁵. "Holding" a bill is actually a notice of intent to reconsider. This must be done by one who is on the prevailing side. All Members are on the "prevailing side."⁶⁶ ⁶⁷on matters that go "under the hammer" without debate, since they are presumed to have supported the result.

⁶⁴ A legislative day is a day in which the House is in session. Days on which only committees meet are not legislative days.

⁶⁵ If not reconsidered within 1 legislative day, the motion to reconsider must be preceded by a suspension of the rules, which requires a 2/3 vote of those present.

⁶⁶ The better practice is to send a note to the Clerk, asking that the bill be held, if there is time. Note that near the end of session it is usually the policy that all matters are in order to go to the Senate unless held within 30 minutes after recess.

⁶⁷ The purpose of moving reconsideration and tabling is to stop the bill from going to the Senate and to allow time for further discussion and action. Once the bill has gone to the Senate, it is not in possession of the House and therefore the House cannot act upon it. An action can only be reconsidered on the same or the next legislative day without suspension of the rules. A motion to reconsider can be made only by a Legislator who voted on the prevailing side. It is common for Legislators to switch their vote before the vote is closed so that they can make the motion to reconsider. Note that it is possible to reconsider an action even if the bill has gone to the Senate, provided that it comes back within 1 legislative day.

- Point of Order** "MR. SPEAKER, I RISE TO A POINT OF ORDER. " After the Speaker recognizes the member, the member states the point of order. Points of order relate to rules and decorum of the House, and is not strictly a motion. A member can interrupt another Member to raise points of order, usually relating to a violation of the rules. If a point of order is not raised immediately, the right to make it is lost.
- Appeal** "MR. SPEAKER, I APPEAL THE RULING OF THE CHAIR." This motion appeals the decision of the Speaker to the full House. When the appeal is made, the question before the body is "shall the ruling of the chair be sustained?" Great care should be exercised before appealing any ruling of the Chair, since it can be perceived as a hostile act, making the vote a partisan one.
- Indefinitely Postpone** "I MOVE THAT THIS BILL AND ALL OF ITS ACCOMPANYING PAPERS (HOUSE, SENATE OR COMMITTEE AMENDMENT ___) BE INDEFINITELY POSTPONED (AND WISH TO SPEAK TO MY MOTION)." If the motion to Indefinitely Postpone prevails, the bill or amendment is lost. This motion is commonly used to determine the strength of one's position. This motion may not be made during the concurrence process, without a motion to recede having first been adopted.
- Commit** "I MOVE THIS BILL BE COMMITTED TO THE COMMITTEE ON _____." To refer a matter back to Committee for further action. This is not common, but not unheard of, in proper circumstances.
- Previous Question** This motion calls for ending debate and voting on the matter at hand. It is authorized by the Rules and commonly used in town meetings, but seldom used in the Legislature, since there is a strong tradition that Members should be free to debate as long as they wish. Potential use would be in case of a deliberate filibuster. Otherwise, do not embarrass yourself by making this motion without thorough discussion with your leadership.

Suspend the Rules **"I MOVE THAT THE RULES BE SUSPENDED FOR THE PURPOSE OF ____."** Requires a 2/3 vote of those present. The person making the motion must state for what purpose he or she proposes to suspend the rules. Often used prior to enactment when an error has been found in a bill, and the bill has to be "backed up" to second reading, to amend it. "Backing up" a bill will usually require a "script," obtained from the Clerk. If the purpose of the motion is not stated when the motion is made, it is appropriate to raise a point of order and ask that it be stated. A motion to suspend the rules is non-debatable.

Some Frequently Asked Questions

What does "engrossment" mean?

Engrossment is the process, done by legislative staff, of integrating amendments passed by the body in second reading with the original bill text. The original Legislative Documents may have one or more amendments and it can be confusing to try to gather the meaning of the bill as amended without integrating the amendment with the bill. This process is necessary to get the bill in final shape for enactment, the last step in the process. The step just prior to engrossment is "passage to be engrossed."

What is a 2/3 Vote?

To pass an emergency measure (that is, one which goes into effect less than 90 days after adjournment of the Legislature) and a mandate, a 2/3 vote of all members of the House (i.e. 101 votes) is required. The vote necessary to suspend the rules, to override a governor's veto, pass Bond Issues, Constitutional Resolutions to modify the use of State Park land and to change the confirmation process require a 2/3 vote of all members present and voting. If some members are absent, this number could be less than 101.

Can the Legislature take up a bill when it has been previously defeated?

The provisions of Joint Rule 217 provide that: "A bill, resolve, constitutional resolution, resolution, memorial or order that has been introduced and finally rejected in a regular or special session may not

be introduced in a subsequent regular or special session of the same Legislature except by vote of 2/3 of both chambers."

The provisions of Joint Rule 404 provide that: "A bill, resolve, constitutional resolution, resolution, memorial or order that is finally rejected may not be recalled from the legislative files except by joint order approved by a vote of 2/3 of both chambers."

Can I abstain from voting?

Yes, but only under the provisions of Joint Rule 104, which allows abstention for conflicts of interest. You should make your request to be excused to the Speaker before the vote. The Speaker may or may not grant the request of a member to excused from voting. Conflicts of interest for a member exist only when a member has a personal pecuniary interest in a particular bill, separate and apart from the interests of a particular class of people, of whom he or she is a member. For instance, retired state employees do not have a conflict of interest when voting on retirement issues. If a member has a question about conflicts of interest, the member can ask the Ethics Commission for a ruling.

Miscellaneous question.

Is it true that orders can be introduced at any time, but resolutions must receive approval of the Legislative Council if not done before cloture?

Resolutions that are memorials require council approval (JR 214), except as provided in JR 215.

Resolutions that do not "memorialize" anyone can be introduced with the approval of the presiding officers.