

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Joint Order, To Amend the Joint Rules To Implement Recommendations of the Joint Select Committee on Joint Rules

ORDERED, the House concurring, that the Joint Rules be amended by amending Joint Rule 206, subsection 3 to read:

3. Indian Representatives. The member of the Penobscot Nation and, the member of the Passamaquoddy Tribe and, at the beginning of the Second Regular Session of the 125th Legislature, the member of the Houlton Band of Maliseet Indians elected to represent their people at each biennial Legislature may sponsor legislation specifically relating to Indians and Indian land claims, may offer floor amendments to this legislation, may cosponsor any other legislation and may sponsor and cosponsor expressions of legislative sentiment in the same manner as other members of the House.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 208 to read:

Rule 208. Requirements for Drafting.

A request for a bill or resolve filed with the Revisor of Statutes is considered complete when the request is properly titled and accompanied by sufficient instructions, information and data required for its preparation. When a request is not accompanied by sufficient instructions, information or data, the Revisor of Statutes is directed to give written notice of inadequate information to the legislator. Upon receipt of said written notice, the legislator has 5 business days, unless an alternative period is set jointly by the presiding officers, to file adequate information with the Revisor of Statutes, or the request for the bill or resolve will be denied. Drafts prepared by an outside source must be filed in final form by the appropriate cloture date.

When directed by the sponsor, the Revisor of Statutes shall prepare a bill or resolve in concept form. The bill or resolve shall contain only an enacting clause and a summary of the proposed legislation and shall not be fully drafted by the Revisor of Statutes. The bill or resolve prepared in this form shall be printed and referred to a committee in the same manner as other legislation and may be reported in fully drafted form by that committee in the same manner as other legislation. ~~Notwithstanding the Maine Revised Statutes, Title 1, section 402, members of legislative leadership and committee chairs have access to the contents of a file for a bill or resolve that is prepared in concept form.~~ This method of drafting legislation is not allowed for legislation submitted by the Governor, by agencies or departments of state government, by study commissions, or pursuant to statute. Any request for a bill or resolve submitted after cloture must state if it is a request for a concept draft. Any committee amendment must be germane to the detailed summary of the concept draft.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 209, first paragraph to read:

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. If the primary sponsor objects to the change, the President of the Senate and the Speaker of the House shall jointly decide what the title should be and shall so notify the Revisor of Statutes.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 211 to read:

Rule 211. Signatures on Drafts of Bills, Resolves and Amendments.

The Revisor of Statutes shall notify the primary sponsor of a bill or resolve ~~that~~when the bill or resolve is ready in final form for signature. The primary sponsor is responsible for obtaining signatures from cosponsors. The primary sponsor shall sign the bill or notify the Revisor of Statutes 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 of Statutes. If the primary sponsor does not contact the Office of the Revisor of Statutes within this period, the bill 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; the primary sponsor and cosponsors shall sign the bill within the established deadlines. ~~Further changes must be proposed~~The sponsor shall propose any further changes to the committee of reference. If the primary sponsor does not sign the bill within this period, the bill is void. If cosponsors do not sign the bill within either period, their names must be removed from the bill.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 301, last paragraph to read:

There are ~~17~~16 established joint standing committees, which must be appointed at the commencement of the first regular session and which exercise jurisdiction in the following areas:

Agriculture, conservation and forestry

Appropriations and financial affairs

~~Business, research and economic development~~

Criminal justice and public safety

Education and cultural affairs

Energy, utilities and technology

Environment and natural resources

Health and human services

Inland fisheries and wildlife

Insurance and financial services

Judiciary

Labor, commerce, research and economic development

~~Legal and veterans affairs~~

Marine resources

~~Natural resources~~

State and local government

Taxation

Transportation

~~Utilities and energy~~

Veterans, elections and gaming

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 303 to read:

Rule 303. Committee Clerks.

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 the 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 salary of each committee clerk is established by the President of the Senate and the Speaker of the House, and the employment of the committee clerks terminates no later than the end of the session. The Office of Fiscal and Program Review shall provide clerical support to the Joint Standing Committee on Appropriations and Financial Affairs.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 304, first paragraph to read:

At the beginning of each legislative biennium, ~~all committees shall adopt~~ the presiding officers shall establish procedures that govern public hearings, work sessions and confirmation hearings. Copies ~~Once established, copies~~ of the procedures must be sent to the ~~presiding officers~~ committees, the Secretary of the Senate, the Clerk of the House and the Executive Director of the Legislative Council ~~upon adoption and~~. A committee by majority vote may make exceptions to the rules and notify the presiding officers of exceptions to the rules. Final committee rules must be posted and made available upon request at all public hearings and work sessions.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 305, first paragraph to read:

At the beginning of the regular session, ~~each committee shall recommend to the presiding officers specific days for its~~ the presiding officers shall jointly establish authorized meeting days for committees to hold their 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. ~~Committees may meet only on authorized meeting days unless~~

the presiding officers authorize an exception in writing. 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 outside the committee room. Notice of a committee's public hearings and work sessions must be posted each day ~~on the board provided for that purpose on the third floor of the State House~~ in the State House and the Cross Building. A committee may not hold a hearing or conduct a work session for which notice has not been posted.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 311 to read:

Rule 311. Errors and Inconsistencies Legislation.

~~Prior to reporting out any~~The Revisor of Statutes shall prepare any necessary omnibus bill concerning errors and inconsistencies in the Laws of Maine, ~~the Joint Standing Committee on Judiciary~~and the bill must be referred to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The committee shall, after giving notice and an opportunity to be heard, hear proposed amendments and determine which~~direct the Revisor of Statutes to prepare those amendments should~~that must be included in the bill reported out. A floor amendment may not be entertained in either chamber unless the amendment is printed and distributed at least 24 hours prior to introduction.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 312 to read:

Rule 312. Fiscal Notes.

Every bill or resolve that affects 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 "Leave to Withdraw," "Ought Not to Pass" or "Referral to Another Committee" must include a fiscal note prepared by the Office of Fiscal and Program Review. For a bill or resolve not yet reported out and upon request of a majority of the committee, the Office of Fiscal and Program Review shall, after notice by the committee to the sponsor of the bill or resolve, meet with the committee at a work session to present its analysis and provide copies of the written public materials relied upon by the office to prepare that fiscal note. ~~The committee clerk shall provide the sponsor of the bill or resolve with prior notification of the work session.~~ The committee clerk shall provide the Office of Fiscal and Program Review with a copy of all testimony and other materials received by the committee on a bill or resolve whenever the committee recommendation is other than "Leave to Withdraw," unanimous "Ought Not to Pass" or unanimous "Referral to Another Committee." The fiscal note must accompany the committee report 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.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 314, subsection 1 to read:

1. Budget Recommendations. Budget recommendations made by the Governor on areas within the jurisdiction of a policy committee must be initially heard jointly by the Joint Standing Committee on Appropriations and Financial Affairs and the policy committee, or a subcommittee of the policy committee, having jurisdiction over the subject matter presented.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 314, subsection 4 to read:

4. Policy Committee Recommendations. Each policy committee shall provide the Joint Standing Committee on Appropriations and Financial Affairs 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 Joint Standing Committee on Appropriations and Financial Affairs after consultation with the chairs of the policy committee taking into consideration previously scheduled public hearings of the policy committee. The chairs of the Joint Standing Committee on Appropriations and Financial Affairs shall notify the presiding officers of the dates established for reporting policy committees' recommendations. The recommendations must be made within the budgetary constraints set by the Joint Standing Committee on Appropriations and Financial Affairs and presented in a format specified by the chairs of the Joint Standing Committee on Appropriations and Financial Affairs.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 314, subsection 5 to read:

5. Additional Funds. ~~Following~~To the extent practicable, at the time of 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.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 314, subsection 7 to read:

7. List of Priorities. Within 5 business days after ~~reporting out all bills involving~~receiving a list from the Office of Fiscal and Program Review of all bills reported out of a committee that involve appropriations or revenues, the policy committee shall submit to the Joint Standing Committee on Appropriations and Financial Affairs a list indicating ~~these committees'~~that committee's priorities for final passage of these bills. The list must be accompanied by a form signed by all committee members indicating how they voted on the priority recommendations.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 316 to read:

Rule 316. Penobscot Nation and, Passamaquoddy Tribe and Houlton Band of Maliseet Indians.

The member of the Penobscot Nation ~~and~~, the member of the Passamaquoddy Tribe ~~and~~, at the beginning of the Second Regular Session of the 125th Legislature, the member of the Houlton Band of Maliseet Indians elected to represent their people at the biennial session of the Legislature must be granted

seats on the floor of the House of Representatives; be granted, by consent of the Speaker, the privilege of speaking on pending legislation; must be appointed to sit with joint standing committees as nonvoting members during the committees' deliberations; and be granted such other rights and privileges as may from time to time be voted by the House of Representatives. In reports from committees on which a tribal member serves, the position of the member must be noted and included.

; and be it further

ORDERED, that the Joint Rules be amended by adding Joint Rule 318 to read:

Rule 318. Review of judicial proceeding priorities.

Whenever a legislative measure is proposed that contains a provision to expedite, establish or adjust the priority of judicial proceedings, the joint standing committee of the Legislature having jurisdiction over the proposal shall hold a public meeting on the proposal and determine the level of support for the proposal among members of the committee. If there is support for the proposal among a majority of the members of the committee, the committee shall request the joint standing committee of the Legislature having jurisdiction over judiciary matters to review and evaluate the proposal as it pertains to the appropriate priority and timing of judicial proceedings in all state courts. Information may be requested from the Judicial Branch. The joint standing committee of the Legislature having jurisdiction over judiciary matters shall conduct the review and report back to the committee of jurisdiction.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 354 to read:

Rule 354. Joint Select Committee on Joint Rules.

There is established the Joint Select Committee on Joint Rules. Notwithstanding Joint Rule 351, the committee consists of 5 Senators, appointed by the President of the Senate, and 5 members of the House of Representatives, appointed by the Speaker of the House. The first-named Senate member is the Senate chair; the first-named House member is the House chair.

The committee shall meet at least once annually and at other times agreed upon by the President of the Senate and the Speaker of the House to review the joint rules and recommend changes the committee determines necessary.

The committee shall invite the participation of the Secretary of the Senate, the Clerk of the House, the Executive Director of the Legislative Council, the Director of the Office of Fiscal and Program Review, the Director of the Office of Policy and Legal Analysis and the Director of the Office of the Revisor of Statutes. The Secretary of the Senate and the Clerk of the House shall provide necessary staffing services to the committee.

The Joint Select Committee on Joint Rules shall review and make recommendations concerning the Legislative Council. This review shall include, but not be limited to the structure and operations of the Legislative Council and possible creation of a Joint Committee on Legislative Management to replace the functions of the Legislative Council. This section of the Joint Rules may be approved by a majority

vote following the report of the Joint Select Committee on Joint Rules. Any change to the title of the Legislative Council in the Joint Rules may also be changed by majority vote.

~~The committee shall report by October 15th, in the even numbered years with any suggested changes to the Joint Rules.~~

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 502 to read:

Rule 502. Notice 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, the Speaker of the House and the Legislative Information Office~~ 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~~Legislative Information Office shall, without delay, forward that notice and copies of accompanying materials to the chairs of the joint standing committee 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.

; and be it further

ORDERED, that the Joint Rules be amended by amending Joint Rule 505 to read:

Rule 505. Committee Vote.

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 the 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 may be taken only upon an affirmative motion to recommend confirmation of the nominee, and a tie vote of the committee 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 must be by the yeas and nays of those present and voting. The chairs of the committee shall send written notices of the committee's recommendation to the President of the Senate.