

# STATE OF MAINE

In Senate \_\_\_\_\_

**ORDERED**, the House concurring, that the Joint Rules be amended by amending Joint Rule 208 by adding at the end 2 new paragraphs to read:

A proposal to adopt a uniform or model act must be prepared in concept form and must include an Internet address at which may be found the text of the proposed uniform or model act.

A proposal to recodify a title of the Maine Revised Statutes may not go forward in the absence of legislation prepared in accordance with this paragraph. Legislation that proposes to recodify a title of the Maine Revised Statutes must be prepared by the Revisor of Statutes to direct appropriate Legislative Council staff to work with the requestor over the course of a sufficient number of legislative interims to ensure the accurate completion of the recodification. Legislation that authorizes such a recodification must be placed on the special study table that is established in accordance with Joint Rule 353. The Legislative Council shall review legislation proposing recodifications together with proposed studies that are on the study table and shall authorize the allocation of budgetary and staffing resources for those studies and recodifications identified by the Legislative Council. Legislative resources may not be used to recodify a title without approval of the Legislative Council. For purposes of this paragraph, legislation to recodify a title of the Maine Revised Statutes includes legislation that proposes to recodify, with or without substantive revisions, the entirety of one or more titles of the statutes or a substantial portion of one or more titles of the statutes.

; and be it further

**ORDERED**, that the Joint Rules be amended by amending Joint Rule 302 to read:

## **Rule 302. Membership.**

Each of the joint standing committees consists of 13 members, 3 from the Senate and 10 from the House of Representatives. The first Senate member named is the Senate chair. The first House member named 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 chamber in the 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 Except for members serving on the Legislative Council, every member of the Senate and the House of Representatives is entitled to at least one initial committee assignment.

; 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, the presiding officers shall establish procedures that govern public hearings, work sessions and confirmation hearings. Once established, copies of the procedures must be sent to the committees, the Secretary of the Senate, the Clerk of the House and the Executive Director of the Legislative Council. A committee by majority vote may ~~make propose~~ propose exceptions to the rules ~~and notify the presiding officers of exceptions to the rules;~~ exceptions to the rules are subject to the approval of the

presiding officers. 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 to read:

**Rule 305. Scheduling Public Hearings and Work Sessions; Concept Draft Amendments.**

**1. Scheduling.** At the beginning of the regular session, 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. 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 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.

**2. Advance Notice.** Public Notice of public hearings must be advertised provided no later than 5:00 p.m. on the Friday 2 weekends in advance of the hearing date, including, but not limited to, by posting on the Legislature's website. All exceptions must be approved by both presiding officers.

**3. Notification of Sponsors.** The committee shall direct the committee clerk to notify all sponsors of the bill of the public hearing and work session on the bill.

**4. Access.** It is the intent of the Legislature that a person not 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 and allow adequate time for participation by disabled persons.

**5. Hearing of Concept Drafts; Preparation of Amendment; Confidentiality; Posting.** A bill printed as a concept draft pursuant to Joint Rule 208, with the exception of budget bills presented by the Governor, model acts and uniform acts, and referred to a committee is subject to the provisions of this subsection.

**A.** The sponsor of that concept draft shall prepare and submit a proposed amendment to that concept draft to that committee no later than 3 business days before the public hearing scheduled for that concept draft.

**B.** If nonpartisan staff is used to assist in the preparation of a proposed amendment required by paragraph A, the sponsor is limited to one draft. Notwithstanding the rules of confidentiality, nonpartisan staff may discuss with the chairs of the committee to which the concept draft has been referred the status of the proposed amendment for the purposes of committee scheduling and to facilitate the purposes of this section. Nonpartisan staff may not disclose the content of the proposed amendment.

**C.** The proposed amendment must be posted on the committee's testimony page on the Legislature's website no later than 2 business days before the date of the public hearing on the concept draft.

**6. Automatic Withdrawal.** Notwithstanding Joint Rule 310, if a sponsor of a concept draft fails to submit a proposed committee amendment as required by subsection 5, that concept draft is automatically and immediately withdrawn and placed in the legislative files.

; and be it further

**ORDERED**, that the Joint Rules be amended by amending Joint Rule 308, subsections 1 and 2 to read:

**1. ~~Legislature in Session~~ Suggested Reference by Secretary and Clerk.** ~~When~~ At the direction of the presiding officers, when the Legislature is in session, the Secretary of the Senate and the Clerk of the House shall jointly suggest an appropriate committee reference for every bill, resolve and petition offered. The suggested reference must be placed upon the Advance Journal and Calendar of each chamber. If they are unable to agree, the question of reference must be referred to a conference of the President of the Senate and the Speaker of the House. Upon their agreement, the suggested reference must be placed upon the Advance Journal and Calendar of each chamber. If they are unable to agree, the question of suggested reference must be referred to the Legislative Council for resolution. Upon the decision of the Legislative Council, the suggested reference must be placed upon the Advance Journal and Calendar of each chamber.

Each suggested reference appearing upon the Advance Journal and Calendar of each chamber 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 Joint Rule 103, a majority vote is necessary to overturn the original committee of reference.

**2. ~~Legislature Not in Session~~ Reference to Committee by Secretary and Clerk.** When the Legislature is not in session or is in recess ~~for more than 4 days~~, the Secretary of the Senate and Clerk of the House may refer the bills to the appropriate joint standing committee for public hearing and order printing, subject to the approval of the President of the Senate and the Speaker of the House.

Upon reference of a bill to a committee by the Secretary of the Senate and Clerk of the House pursuant to this subsection, if a majority of the chairs and leads of the committee agree, in advance of scheduling the bill for public hearing, that the reference to that committee is inappropriate, a communication must be sent to the Senate and House with a recommendation of "change of committee reference." Upon reference of a bill to a committee pursuant to this subsection, if a majority of the chairs and leads of the committee agree, in advance of scheduling the bill for public hearing, that the reference to that committee is appropriate, that bill remains in that committee. If there is not a majority agreement among the chairs and leads regarding reference of that bill, the bill is designated for discussion by the committee for a possible committee report of "refer to another committee" under Joint Rule 310, subsection 2. Any bill that undergoes a reference determination pursuant to this subsection that is retained by the committee must be scheduled for a public hearing.

; and be it further

**ORDERED**, that the Joint Rules be amended by amending Joint Rule 310, subsection 2 to read:

**2. Committee Reports.** The report of the committee must include a recommendation. Recommendations that may be made are:

Ought to Pass

Ought to Pass as Amended

~~Ought to Pass in New Draft~~

Ought Not to Pass

Refer to Another Committee

Leave to Withdraw

Except for Leave to Withdraw, the committee shall vote on all recommendations to be included in reports on a bill during a work session on that bill. When the committee recommendation is not unanimous, a minority report or reports are required. ~~Except as provided in subsection 5, minority~~ Minority committee reports must be voted on at the same work session as the majority report on that bill. ~~Notwithstanding subsection 5, a~~ A committee vote to report a bill out favorably must be taken based on written language before the committee at that time or on a motion describing the content of the report. After a committee vote, no substantive change may be made in the committee report unless motions to reconsider and to amend the report are approved at a committee work session. All reports on any legislative document must be submitted to the Legislature at the same time.

; and be it further

**ORDERED**, that the Joint Rules be amended by striking out all of Joint Rule 310, subsection 4; and be it further

**ORDERED**, that the Joint Rules be amended by amending Joint Rule 310, subsection 5, paragraph A to read:

A. If any member is absent from the committee at the time of the vote, that member's vote may be registered with the clerk up until noon on the 2nd business day following the vote. A member may register a vote only on a report that was made when the vote was taken by the committee. A member may not register a vote with the clerk creating an additional report.

; and be it further

**ORDERED**, that the Joint Rules be amended by amending Joint Rule 353, subsection 1 to read:

**1. Definitions.** For the purposes of this Joint Rule, the following terms have the following meanings:

A. The term "legislative study" or "legislative study committee" means any group of individuals established in an Act, Resolve or Joint Order or by the Legislative Council, except those exempted under policies adopted by the Legislative Council, whose duties include studying and reporting to the Legislature on any matter or advising the Legislature on any matter and that requires the use of legislative resources; and

B. The term "legislative resources" means the expenditure of any funds appropriated or allocated to the Legislative Account, ~~the appointment of one or more persons by the Legislature,~~ the inclusion of one or more legislators as members of the legislative study committee or the use of Legislative Council staff; and

~~C. The term "non-legislative study" or "non-legislative study group" means any group of individuals directed by legislation to report back to the Legislature on any issue but that is not otherwise a legislative study.~~

; and be it further

**ORDERED**, that the Joint Rules be amended by amending Joint Rule 353, subsection 8 to read:

**8. Legislation may not be introduced by legislative studies or non-legislative study groups.** Legislative and non-legislative study committees or groups may include proposed legislation in their reports to the Legislature, but are not authorized to introduce legislation. Upon receipt of a report submitted by a legislative or non-legislative study committee or group,

the joint standing committee to which the report is submitted, or the appropriate joint standing committee of jurisdiction in the event that the report is submitted to the Legislature as a whole, may introduce a bill during the session to which the report is submitted to implement its recommendations on matters relating to the study.

**SPONSORED BY:** \_\_\_\_\_

**(Senator CARNEY, A.)**

**COUNTY: Cumberland**