

**Senate**

Senator Troy Jackson, Chair  
Senator Eloise Vitelli  
Senator Anne Carney  
Senator Rick Bennett  
Senator Eric Brakey



**House**

Representative Maureen Fitzgerald Terry, Chair  
Representative Anne C. Perry  
Representative Colleen M. Madigan  
Representative Amy Bradstreet Arata  
Representative David Haggan

**State of Maine**

**One Hundred and Thirty First  
Legislature**

**Joint Select Committee  
on Joint Rules**

**Staff**

Secretary Darek M. Grant  
Clerk Robert B. Hunt  
Justin Davis

**Meeting Summary  
July 18, 2024**

Senate Chair Troy Jackson called the meeting of the Joint Select Committee on Joint Rules to order at 10:05 a.m. in Room 334 of the State House.

**Those present were:**

Senator Troy Jackson, Chair  
Senator Eloise Vitelli  
Senator Anne Carney  
Senator Rick Bennett  
Representative Maureen Fitzgerald Terry, Chair  
Representative Anne C. Perry  
Representative Colleen M. Madigan  
Representative Amy Bradstreet Arata  
Representative David Haggan

**Those absent were:**

Senator Eric Brakey

A quorum was present.

Senate Chair Jackson began the meeting by explaining that the Committee will be using the time today to gather information and hear suggestions relevant to improving the processes laid out by the Joint Rules, and then taking time to formulate recommendations which would be considered at a subsequent meeting.

**PROPOSED RULE CHANGES REFERENCED TO COMMITTEE**

Senate Chair Jackson invited Senator Bennett to present Senate Paper 937, "Joint Order, Requiring Suggested Committee Amendments to Concept Drafts to Be Filed Before Their Committee Hearings," which had been Referred to this Committee. Senator Bennett expressed confusion as to why this proposal was the only item of business before the Committee when he had three other Joint Orders that had been referenced to this Committee at the beginning of the Legislature.

With the permission of Senate Chair Jackson, Senator Bennett expanded his presentation to include his other Joint Orders: Senate Paper 9, "Joint Order, to Amend the Joint Rules to Require a Simple Majority to Call a United States Constitutional Convention;" Senate Paper 10, "Joint Order, to Eliminate Concept Drafts;" and Senate Paper 11, "Joint Order, to Amend the Joint Rules to Eliminate Cloture for Legislators in a First Regular Session."

Regarding S.P. 937, Senator Bennett explained that he felt this was as straightforward proposal to clarify an area of confusion, since the Legislature currently does not have consistent rules on how the various Committees should consider concept drafts. He expressed that some Committees handle the issues around concept drafts better than others, particularly around making proposed language public before a concept draft bill's public hearing. He mentioned that he has gotten feedback from frustrated constituents when proposed language is not made public, and therefore he supports getting rid of concept drafts entirely, except for the budget bill, in the interest of making proposed legislation more available to the public.

Senator Bennett continued by expressing gratitude that the Committee was meeting to hear his proposals, considering that Joint Rule 354 says the Committee should meet at least annually, but in reality, the Committee has not met since 2018. He speculated that not pausing to consider the legislative process more carefully has led to "messiness" that holds back public participation. This includes when a sponsor of a concept draft meets informally with a Committee to discuss proposed language, but never makes the details of the proposal known before the public hearing. He expressed that there are ways for interested parties to sign up for updates on the work, but it's hard to know if you are an interested party if one does not know the content of the proposal. He related that some concept draft titles are too vague to know what the proposal intends. To make the process more transparent, he suggests posting the proposed language for a concept draft at least one day in advance, although he would prefer even further in advance, to allow the public to read and understand a proposal before commenting on it.

Senator Bennett then turned his attention to Senate Paper 9, "Joint Order, to Amend the Joint Rules to Require a Simple Majority to Call a United States Constitutional Convention." He explained that he believes the threshold to call for a Constitutional Convention to be held (currently set to a 2/3 vote by Joint Rule 215, subsection 1) is too high. The United States Constitution, Article V only requires a majority vote in 3/4, or 38, of the states, to *ratify* an Amendment to the Constitution, so the threshold to *propose* an Amendment for ratification should be no higher than a majority. He cautioned that the country is in a crisis of democracy, and therefore we should be making it easier to propose and consider possible solutions, with his personal preference for reforms in the areas of campaign finance.

Next, Senator Bennett referenced Senate Paper 10, "Joint Order, to Eliminate Concept Drafts." He reminded the Committee that concept drafts did not always exist in the past, and he believes their creation has encouraged newly-elected legislators to submit too many bills in the short window between their election and the cloture date. He posited that such a freshman legislator is pressured to act on various policy proposals in too brief a time to fully develop any of them, leading to the proliferation of drafts intended to be a 'foot in the door' for later action. He expressed that it is very easy to just submit a concept draft instead of putting more work into a proposal, with the cloture deadline increasing the perverse effects that lead to legislative dysfunction.

Senator Bennett summarized his proposals by concluding that the legislative calendar is all wrong. He believes that the separation of powers between the branches of government would be enhanced by spending the first four to six weeks focused on oversight of the Executive and learning how the various governmental processes work, in order to better inform the committee process. This would allow the Committee to better identify the areas where changes are needed, and then develop a better solution through better informed legislation. This information-gathering would also feed into the budget process, helping to set priorities. He referenced an op-ed he wrote in the *Bangor Daily News* four years previously to demonstrate his history advocating for these very changes that would allow the Legislature to better assert its authority and serve the public interest.

### **PROPOSED JOINT RULE CHANGES SUBMITTED BY LEGISLATORS**

Clerk Rob Hunt explained that there were a few submissions that were received too recently to be formally included on the agenda, but that they were printed and distributed to the Committee and would still be given time to be heard in this meeting.

Representative Arata presented written testimony on behalf of Representative Boyer, who was unable to attend this meeting. She advocated for Committee members to read the testimony on their own time and proceed to hear from those legislators present in the room.

Representative Jan Dodge of Belfast approached the podium and presented a list of proposed changes to the Joint Rules, *viz.*: Amending Joint Rule 206, section 2 to make it standard practice to combine similar bills and add other sponsors automatically to prevent duplicative bills; Making previously detailed changes to Joint Rule 208 regarding concept drafts; Amending Joint Rule 304 to expand training and increase consistency in processes used across Committees, such as using a time clock for testimony; Considering consequences for bills not reported out by deadlines laid out in Joint Rules 309 and 310; Establishing stronger standards for proper business hours for Committees as laid out in Joint Rule 310, subsection 5, not allowing Committees to vote after 10:30 p.m. or before 7:30 a.m. and removing the ability for this Rule to be waived by a presiding officer; Sufficiently staffing the Office of Fiscal and Program Review (OFPR) to prepare fiscal notes in a timely manner pursuant to Joint Rule 312; Increasing communication between the policy Committees and the Committee on Appropriations and Financial Affairs by providing more training for Committee Chairs to follow Joint Rule 314, section 2; and Creating clearer guidelines for the process surrounding Committee priorities in the final weeks of a session of the Legislature.

Representative Dan Ankeles of Brunswick was not present to speak about his testimony, but it was provided to the Committee in written form.

Representative Marc Malon of Biddeford testified on behalf of a group of 8 Representatives, including himself and Representatives Brennan of Portland, Cloutier of Lewiston, Gattine of Westbrook, Mastraccio of Sanford, Meyer of Eliot, Moonen of Portland, and Shagoury of Hallowell. This ad hoc group of Representatives came together to discuss the same concerns that the Committee is seeking to address. The group came to a consensus that concept drafts should not be entirely eliminated, but they should be tool to be used sparingly and carefully, and the proposed language

should be made public at least a week in advance of a public hearing. They agree that substantially similar bills should be combined with automatic cosponsorship within the Revisor's Office. The group all agree that there should be a limit on the number of bills legislators can submit, but they were split on exactly what that limit should be. They also believed that Committee Chairs should be involved in the process for accepting after-deadline bills.

Representative Arata asked whether the group considered a specific number for the limit on bill an individual legislator can submit. Representative Malon related that there was not a unanimous recommendation by the group, and that some members of the group expressed preference for a mathematical formula based on average numbers of bills submitted, seniority, and/or other factors. He personally favored a limit of 10, which he thought should be enough for most legislators, although he speculated that Committee Chairs and floor leaders may need more due to their higher position.

Representative Cheryl Golek of Harpswell was next to present her testimony. She proposed that a concept draft "not receive an LD number until it has wording that has been published for at least one week," and then not get a public hearing until at least a week after it gets an LD number, giving the public two weeks to read and understand the bill. She also advocated for a "more consistent and forgiving schedule" to allow legislators to better balance their legislative duties with their personal lives and other jobs.

Senator Bennett was intrigued by the proposal to not give concept drafts LD numbers until after the proposed language is published, which he believes would work well with his own proposal to eliminate cloture. He asked for clarification on whether there would still be a deadline for submitting the proposed language, since a Committee would need enough time to consider a proposal before adjournment?

Representative Golek answered that she understands the reasoning for concept drafts to allow enough time to draft a carefully considered policy proposal, and therefore in her conception of her idea, the deadline for proposing language would simply be however long it takes to finalize that language, within the constraints of the legislative calendar.

Representative Madigan asked whether a more manageable schedule would increase representation of constituents?

Representative Golek explained that following the public school schedule, for example, would allow more parents to participate in government by increasing the consistency and predictability of the legislative process. She added that the last-minute decision to hold session on Patriots Day this past April conflicted with her own previously scheduled personal trip, and various other legislators often had to choose between attending session or doing their other jobs due to the unpredictability of the legislative schedule.

Representative Gerry Runte of York was not present to speak about his testimony, but it was provided to the Committee in written form.

Representative Anne Graham of North Yarmouth was not present to speak about her testimony, but it was provided to the Committee in written form.

Representative Poppy Arford of Brunswick was not present to speak about her testimony, but it was provided to the Committee in written form.

Next, Senator Teresa Pierce of Cumberland and Representative Traci Gere of Kennebunkport, Chairs of the Joint Select Committee on Housing, presented testimony on behalf of the same Committee proposing the creation of a permanent Joint Standing Committee on Housing. Having served on the Select Committee for this Legislature, they believe a permanent Committee on Housing would better address the long-term, serious housing crisis the State is facing than the temporary Select Committee that has only just begun the work needed to provide enough housing for Mainers now and into the future. They advocate for making this change as part of a broader restructuring of the Committees' jurisdictions in order to distribute the workload more evenly.

Senator Bennett reflected on how when he first came to the Legislature in the 1990s, he served on the Joint Standing Committee on Labor, which has since changed to the Joint Standing Committee on Labor and Housing. He suggested that the need to form a Joint Select Committee on Housing in the 131st Legislature indicates the current jurisdiction of the Standing Committee is insufficient to address the full breadth of both labor and housing, but asked how that separation should be done.

Representative Gere confirmed that when she served on the Committee on Labor and Housing in the past, the majority of the Committee's focus was on the labor side of the Committee's subject area, but the increasing urgency of the State's housing crisis has shifted that balance towards housing, which constrained the Committee's ability to give either part the attention it deserves. She added that housing and labor have different jurisdictional relationships and perhaps it would be appropriate to separate them between two Committees. Senator Pierce recommended that more consideration be given to the workload between Committees to better balance the resources across each one. She pointed out that there is always some overlap in jurisdiction between the Committees, so some bills can be moved between them to distribute the work more evenly.

Senator Bennett followed up by asking if this was a bigger request to more fully reconsider the current jurisdictional structure of the various Standing Committees?

Senator Pierce replied that the non-partisan staff can inform whether that would be appropriate.

Senator Matt Pouliot of Augusta, the Republican Lead for the Joint Select Committee on Housing, endorsed his Chairs' proposal to establish a permanent Joint Standing Committee on Housing. He spoke of a conversation he had with Senate Chair Jackson at the start of the legislative session advocating for the same, which Senate Chair Jackson supported, but the House Speaker was concerned that there would not be enough work for the Committee, considering only 9 bills had been submitted in the 130th Legislature that would have fallen under the Committee's jurisdiction. However, Senator Pouliot pointed out that over 70 bills were referred to the Joint Select Committee on Housing through the 131st Legislature, so clearly there was plenty of work for the Committee. He expressed that the housing crisis has not improved in the short time the Select Committee has had to address it, so a more permanent solution is needed. He seconded the recommendations to reconsider

the legislative calendar to devote more time early in the session to training, experiences like the MDF field trip, and conducting oversight. He also advocated for eliminating concept drafts.

## **OPEN COMMENT FOR PROPOSED JOINT RULE CHANGES BY LEGISLATORS**

(In-person Only)

Representative Perry of Calais began by relating that a large part of the recent public controversy regarding concept drafts was caused by herself. She had assumed that the proposed language for her concept draft would be made available to the public much sooner in the process than it was. She explained that currently, the Committee Amendment is only made public after the Committee reports out the bill, which means that the public is unaware what exactly the concept draft will be replaced with until after they can testify on the bill in public hearing. After sparking such public backlash, she worked with Executive Director Suzanne Gresser to better understand the process and propose solutions so a similar situation would not happen again. She proposed a change to Joint Rule 208, so as not to schedule a public hearing on a concept draft bill until after the sponsor provides enough detail on the intended language to inform the public of their proposal.

Senator Craig Hickman of Kennebec endorsed the proposal to eliminate cloture for the First Regular Session. He explained that Committee Chairs submit concept drafts to ensure that there is a legislative vehicle available to them to deal with emerging issues later in the session after the deadline to submit new bills has elapsed. He suggested that the sponsor's proposed amendment to a concept draft should be a part of the legislative record for a bill, so that the public can see the full development of a proposal and understand what language is or is not part of the final product that gets voted out. He supported the formation of a Joint Standing Committee on Housing in lieu of a permanent commission on housing. He also expressed that Initiated Bills that go to referendum should be automatically printed and not receive a fiscal note that causes them to end up on the Special Appropriations Table.

Representative Jack Ducharme of Madison asked the Committee to improve the way we govern by increasing public transparency. He said that Maine has been a model of transparent and responsible government in the past due to its responsive citizen Legislature, and to get back to that ideal, he endorses many of the proposals that have already been made. He expressed his belief that holding a public hearing on a concept draft before the public knows the proposed language is anathema. He further argued that concept draft titles should be reflective of the eventual policy effects of the bill. He supported the general proposals regarding changes to cloture. He also advocated for more consistency in the application of rules across the various Committees. He asserted that the Committee Chairs need more robust training on how to conduct their meetings, and the present lack of consistent procedures creates uncertainty for the public, advocacy groups, and others who appear before the Committees.

Senator Bennett requested that Representative Ducharme provide his written testimony to the Committee, which Representative Ducharme agreed to do once he typed his thoughts up in a more formal manner. Senator Bennett proceeded to comment on the unclear Committee process, which he expressed is something that the Joint Rules Committee has the capacity to address. He said it can be intimidating for members of the public to appear before Committees, and unclear expectations around

what to do when testifying (caused by inconsistent rules between Committees) discourages people from testifying at all.

Representative Karen Montell of Gardiner condemned a trend away from proper decorum she has witnessed. She emphasized that she had been taught through her experience as both a staffer and a legislator that only elected Members are allowed to sit around the horseshoe in a Committee, and that there must be correct name plates for the legislators duly given a seat at that table, but she had seen both those supposed rules breached in the past session. She was frustrated by the fact that there was no actual Joint Rule explicitly prohibiting the inappropriate actions she witnessed, so there was no recourse for the breach of decorum. She said she was very disappointed in the disrespect she saw.

Representative Holly Sargent of York spoke as a new Member reflecting on her first session participating as a legislator after spending time on the other side as an advocate. In the interest of providing context for the decisions to be made on the proposals being considered today, she presented research she brought in collaboration with the National Conference of State Legislatures (NCSL). She found that Maine is one of 13 States that has what is considered a 'citizen Legislature,' with shorter sessions and part-time legislators who hold other jobs as a primary source of income for the rest of the year unless they are retired. Of those 13 States, only four have term limits, which add pressure on legislators to get as much accomplished as they can in the limited time they have to serve. Furthermore, of those four States, Maine is the only one with more than 1,000 bills considered per session. Compounding the challenge for our State, she found that our amount of staff per bill considered was comparatively low. She concluded that "we stand alone in trying to eat the elephant the way we do." She also agreed we ought to use our time early in the session more effectively to train and prepare for the work that needs to be done.

Senator Bennett added his own research into the subject, finding that the Legislature's process had been studied multiple times in the past 60 years, particularly in the 1990s and 2000s. He referenced research done by former Representative Casas into those various studies, aided by the Law and Legislative Reference Library. He joined in expressing sympathy for the nonpartisan staff, who are overburdened by the amount of work and complexity of the current processes. He singled out the Office of Fiscal and Program Review as being particularly poorly equipped to keep up with the workload producing fiscal notes.

Representative Sargent relayed that she also found about five percent of legislators had submitted over half of the total bills in the 131st Legislature.

Senate Chair Jackson inquired how many of the other States in the NCSL's research give a public hearing to every bill as Maine does. Representative Sargent responded that there is not enough information available right now, but NCSL is working to gather data on that subject. She warned that procedures may have changed due to COVID protocols, so that answer may be in flux.

Representative Sally Cluchey of Bowdoinham brought a list of proposed Joint Rule changes, but many had already been said by previous speakers. She expressed the belief that the Joint Rules ought to reward and incentivize bipartisanship. She also recognized the Revisor's Office as a bottleneck in the legislative process, and advocated that the drafting process should prioritize in a way that better encourages collaboration, including by combining similar bills as others have

suggested. Since many bills require reports back to Committees in the future, she recommended using time earlier in the session more effectively to hear those report-backs and develop legislation out of those results (instead of just speaking about Sentiments). She said that she believes concept drafts should "live in Committee" to help develop proposals related to those report-backs. She also stressed that Land Transfers should not be subject to the Special Appropriations Table rules, since she had a bill almost die on the Appropriations Table despite it not having any actual fiscal impact. She also pointed out that legislative pay is based on attendance on session days, but in reality, the majority of legislators' time commitment comes from Committee work. She also recommended that the Committee look at the way absences are recorded, considering the incident this past year where a legislator who is also a line worker for the power company had to miss session in order to restore power for customers after the major storms at that time and could only label it as 'personal reasons.' She concluded by suggesting the Legislature hire a nonpartisan communications professional to elucidate the Legislature's processes for the general public.

House Chair Terry asked if Representative Cluchey was proposing to prioritize drafting bills that have more and/or bipartisan sponsors?

Representative Cluchey affirmed that description of her proposal, and repeated her belief that wider sponsorship indicates a higher priority for that proposal relative to those with fewer sponsors representing a smaller fraction of the population.

House Chair Terry clarified that the process as it currently functions is to get cosponsors for bills after they have been drafted, so such a proposal would involve a complete restructuring of the legislative process.

Representative Cluchey advocated that such a restructuring be considered.

Representative Haggan asked where the added information regarding absences should be recorded and/or made public?

Representative Cluchey responded that it should still go wherever the information currently collected goes, whether that be online or in the Calendars. She condensed her recommendation to changing the Leaves of Absence form in the Clerk's Office from the current three options (personal, health, or legislative business reasons) to increase flexibility.

Senator Bennett responded that rules about absences are dictated by the respective Bodies for themselves and therefore that issue should be considered separately by each.

Representative Tavis Hasenfus of Readfield was not planning on speaking today, but endorsed the belief that the Legislature is up against time to consider all the proposals before it, and therefore it would make sense to limit the overall number of bills in order to give each one the necessary time for thoughtful consideration. He also said that as a Member of multiple Committees, there is an even greater workload that often leads to scheduling conflicts. He concluded by imploring the Committee to work collaboratively to improve time management and workload for legislators.



**OPEN COMMENT FOR PROPOSED JOINT RULE CHANGES BY THE PUBLIC**  
(In-person Only)

John Kosinski, Lobbyist for the Maine Education Association, implored the Committee not to lose the opportunity to learn from the problems experienced over the previous two years. He has seen a degradation of transparency over the 15 years he has been involved in advocacy, but singled out the past session as a precipitous fall. He lamented that priorities get lost in the transition from one Legislature to the next as new Members come in. He relayed four main goals the Legislature ought to have: Transparency, Accountability, Consistency, and Streamlining. He called for greater scrutiny for amendments through the official Committee process, as well as greater accountability for starting Committee meetings at their scheduled time. He reminded the Committee of April 5, 2024, when the Committee on Appropriations and Financial Affairs had been scheduled to begin a public hearing at 3:00 p.m., but did not formally start the meeting until after 10:00 p.m. and did not vote on the amendments until before 3:00 a.m. He echoed the calls for more consistently applied rules across Committees. He also suggested that Committees have a way to use a 'placeholder bill' that provides a way around their current reliance on concept drafts. Regarding Joint Rule 308, he suggested that the requirements regarding the Reference of Bills to Committee are out of date due to historical tax implications that have subsequently been removed, and instead, the Joint Rules should just let the Secretary of the Senate and Clerk of the House recommend references all the time to save session time for more important work.

Senate Chair Jackson asked for more information about the criticism of Joint Rule 308?

Mr. Kosinski answered that it was his understanding that there was a distinction in how bills are referenced to Committee whether the Legislature is in or out of session because of historical tax implications. He said that now, the Clerk and Secretary should just refer all bills in and out of session and not make all the legislators come into session just to refer bills and speak on Sentiments.

Senator Bennett agreed with Mr. Kosinski's criticism of the Committee on Appropriations and Financial Affairs. As a Member of said Committee, he had personally witnessed that even the weak rules currently in place had not been followed. He asked Mr. Kosinski if he had any ideas on how to ensure that the rules are being followed?

Mr. Kosinski suggested that if a quorum is not present within an hour after the scheduled start time for a Committee meeting, then that meeting should not be held.

Senator Bennett followed up by explaining that the Administration has months to develop their budget proposals, but the public gets much more limited time to address the entire budget proposal once the language is published, or even no time at all if that happens after the bill's public hearing. Furthermore, the Administration gets unlimited time to testify, while all other parties only get 3 minutes each to comment. He recommended there should be a separation between the Administration presenting the proposed budget and the public testimony on said budget. He illustrated the perceived unequal treatment by showing that many people do not want to wait through the three to four hours it takes for the Administration to present the budget only to speak for three minutes.

Laura Harper, Senior Associate with Moose Ridge Associates of Hallowell, wished that there had been more clarity in advance of the meeting, since she was not aware that there would be an opportunity to comment, but nonetheless she was thrilled to be a part of the conversation around improving the Legislature's rules and processes. She endorsed the need for at least 24 hours to review a proposed amendment before a public hearing. She expressed that language review should be used more across the various Committees, since it is a useful tool to catch errors that would otherwise need to be fixed later, which slows down the whole legislative process and unnecessarily increases expenses for taxpayers. She also asked for more clarity on the Legislature's website regarding the Committee process and what language changes have and have not been adopted by the Committee. She said that currently, outdated language still posted online creates confusion for clients regarding what effect a particular bill will have.

At the suggestion of Representative Haggan, Ms. Harper continued with her proposals. She echoed the previous requests for more standardization of procedures across the Committees, especially in the area of clear expectations of behavior from the public. She said she has seen some behavior be tolerated in one Committee room that is not allowed in others; she relayed her personal experience receiving threats and having certain people aggressively recording during Committee testimony. She expressed disappointment in the results her clients saw in the previous session, with only one or two out of eight total achieving their policy goals despite no clear reason for the others to have failed. She had to tell her clients that it wasn't their fault, but that the system failed them and there was nothing that could have been done differently to get the information they needed to follow the legislative process, due to constantly changing verbal rules and timelines. She felt that the unwritten rules kept changing, leaving lobbyists like her one step behind and unable to fully participate in the process.

Senator Carney asked whether the inappropriate conduct Ms. Harper referenced was done by legislators or members of the public?

Ms. Harper replied that it had been members of the public during the Committee process, in a context where the Committee Chairs were (or should have been) aware of what was happening.

Senate Chair Jackson asked for more specific examples of misconduct?

Ms. Harper declined to provide more details out of fear of starting a he said/she said.

Senator Carney agreed as a Committee Chair that it is challenging to enforce decorum. She related that she struggled to control multiple overflow rooms where people watching the Judiciary Committee hearing would cheer or boo.

Charlie Soltan, of Augusta, is a lawyer with 37 years' experience testifying before the Legislature. He congratulated legislators for how much the situation has improved in that time, especially the ways in which technology has improved efficiency and transparency. He also gave kudos to the legislators who appeared today to make recommendations. He agreed with the idea that concept drafts are the largest symptom of the deficiencies in the legislative process, referring to a recent concept draft bill titled "An Act to Amend the Laws of Maine" as a particularly egregious example. He stressed the need to respect and thank the nonpartisan staff for the work they do in the structure that exists today. He posited that term limits lead to a deficit in training that increases dysfunction, and training should be updated to reflect the current reality of the process. He has

noticed a growth of Committees going to caucus before a work session, a practice that he pointed out would violate the Open Meeting laws if a municipal body such as a select board did something similar.

Senator Bennett expressed appreciation for the comments on caucuses. As a former Member, he reflected on how the Committee process used to function. He said that he was very surprised by how much Committees rely on caucuses when he came back to the Legislature in 2021 amidst the COVID pandemic. He asked for suggestions on how to address the problem?

Mr. Soltan did not have any suggestions prepared, but would mull it over with other lobbyists to make suggestions for a subsequent meeting.

Senator Bennett followed up by saying that the Committee would value the perspective of someone with so much experience when developing solutions to these issues.

Senate Chair Jackson asked how Committees can have an open discussion on the language of a proposal if the suggested language would have to be published before any discussion can take place?

Mr. Soltan replied that the proposed amendment language would still be open to debate and further amendment, so it should still be possible to have an open discussion.

Representative Perry pointed out that at times, the concerned interest groups may go off to work on proposed language directly (outside the legislative process) and then bring new language back to the Committee. She asked if that sort of proposal would also need 24 hours' advance notice?

Mr. Soltan responded that he would support any solution that would make sense for serving the public interest. He pointed out that the Legislature's requirements for public notice already change as a session nears the end (from two weeks down to one, and then no requirement), so there is precedent for adjusting the schedule as necessary.

Patrick Woodcock, President of the Maine Chamber of Commerce, next approached the podium. He praised the aspects of the Joint Rules that are working to foster transparency. At the same time, he expressed concern about the areas where the current Rules fall short. He said the Legislature ought to focus more on oversight. He agreed that the current workload of bills is too much for the citizen Legislature and its nonpartisan staff to handle, and the problems experienced this past session were the result of the system buckling under the weight of the workload.

Senator Bennett asked Mr. Woodcock to elaborate on his proposals. He asked specifically whether there should be a differentiation between sponsor's proposed amendments to concept drafts, committee amendments, and/or language submitted by other interested parties?

Mr. Woodcock endorsed the proposal to post amendments in advance of any public hearings. He drew from the example set in Congress to require language to be available 48 hours in advance of a public hearing. He highlighted a distinction between a sponsor's proposed amendment and the amendments that arise out of the Committee process. He recommended that the Maine Legislature study best practices in other legislative bodies. He speculated that rules had not been made more formal in the past because there used to be a greater sense of collegiality among legislators.

Representative Poppy Arford of Brunswick arrived to present her written testimony that had previously been submitted to the Committee. She proposed a limit on the total number of bills, divided evenly among legislators and transferable among them, based on how many can reasonably be accommodated before adjournment. She called for a clearer definition of 'legislation of an emergency nature' to be considered during a Second Regular Session. She also supported combining duplicative bills, publishing proposed amendments to concept drafts, establishing guardrails for after-deadline bills, and clarifying that statutory adjournment and 'Veto Day' both encompass a single, 24-hour day from 12 a.m. to 11:59 p.m.

Senator Vitelli thanked Representative Arford for the specificity of her recommendations.

### COMMITTEE DISCUSSION

Senate Chair Jackson suggested that the Committee use this time to pose questions to be answered for the next meeting.

House Chair Terry opened the discussion with a recommendation that the Committee take some time to carefully consider all the proposals presented today, and return at a later date to consider them further. She asked for Clerk Rob Hunt and Secretary Darek Grant to sort through all the various suggestions and see which are actionable within the Joint Rules. She expressed that some ideas need more 'meat,' and some proposals could be combined together. She suggested that once this work is done, the Committee ought to meet again to discuss the proposals once they are collated and sorted through.

The Committee did not specify a date for a future meeting, although the Committee agreed to a timeframe in the next month to ensure the work can be done before it gets lost in the transition to the next Legislature.

Representative Arata said she was encouraged by the consensus between parties in voicing concern about the current processes and making suggestions for improvements. She cautioned the Committee that since an amendment could greatly change the content of a bill, anything could be considered a concept draft.

Representative Haggan said he was excited to participate in this process.

Representative Perry supported the recommendation to categorize the proposals for later action.

Senator Vitelli also supported the recommendation to ask Clerk Hunt and Secretary Grant to sort through the suggestions. She highlighted the requests about the Committee structure as a separate issue from the rest of the discussion pertaining to concept drafts, cloture, etc.

Clerk Hunt asked for clarification on the scope of the proposed changes to the "Committee structure," and whether that referred to the jurisdictional division or the functional organization of Committees prescribed in the Joint Rules?

Senator Vitelli answered that she was referring to the jurisdictional structure; specifically, the reorganization that would be necessary with the creation of a Joint Standing Committee or Permanent Commission on Housing.

Senator Bennett expressed gratitude the Committee was finally considering the proposals he has been making for a while. He specified the following requests for more information to be brought to a future meeting of the Committee: The balance of workload between the Committees; the historical studies of the legislative process from former Representative Casas (Senator Bennett said he would make them available to the other Members); and any potential input from the nonpartisan staff who work within these processes, through a suggestion box or other method of collecting anonymous feedback.

Representative Terry said that in anticipation of that very request, she had already asked the nonpartisan offices for anonymous feedback and would have them available at a subsequent meeting.

Senator Bennett pointed out that the heads of the nonpartisan offices were present for the meeting, and so the Committee should lean on their expertise. He also thanked Representative Sargent for her insightful research.

Senator Carney recognized that many of the previous suggestions dealt with the underlying issue of how to deal with proposed language for a concept draft before it is formally adopted by a Committee. She speculated that making unofficial language changes public may necessitate a wider technological change.

Senate Chair Jackson emphasized the need to study how bills get submitted. He reflected that current Members can 'pre-submit' their bill requests, while new Members have to join the process later after their election. He endorsed the proposal for a new permanent Committee on Housing. He agreed that the subject matter had apparently been neglected through previous restructuring of the Committees' jurisdictions. He cautioned that since Members can vote to override references to Committee, it is not worth getting bogged down in specific questions of jurisdiction between Committees. He also suggested to study for the next meeting where concept drafts originated and how they have been used since then.

***There being no other business or announcements, on motion of Senator Bennett and seconded by Unanimous Consent, the Committee adjourned at 1:20 p.m. pending a later date.***