

RECOMMENDED GUIDELINES FOR CHAIRS FOR CONDUCTING A WORK SESSION

[Note: Work sessions are less formal proceedings than public hearings and are held primarily for the purpose of committee deliberation and voting on bills and other committee matters and for working with committee analysts. That being the case, more flexibility may be exercised in the conduct of work sessions than with public hearings. The following guidelines may be helpful in providing structure and organization to work sessions, while still allowing sufficient flexibility.]

1. SCHEDULING

Please consult with your committee analyst to schedule bills for work session. More than one work session may be held on a bill, particularly if committee amendments are being drafted and considered. If possible, a work session should not be held on the same day as the public hearing on that bill.

2. NOTICE

Maine's Freedom of Access Act requires reasonable notice of all committee meetings. Joint Rules require the committee to direct the committee clerk to notify all sponsors of a bill of the work session on that bill. Time permitting, other people who have requested notification should be notified as well. Notice must also be posted outside the committee room. Joint rules prohibit a committee from holding a work session for which notice has not been posted.

3. QUORUM

A quorum of (7) members of the committee must be present to start a work session or to vote on a motion (other than to adjourn) but is not necessary to continue a work session. A committee vote may not be taken without a Senator present unless the committee has obtained permission from the President of the Senate.

4. OPENING THE WORK SESSION

- Bang the gavel.

- After any introductory remarks, announce that the purpose of the work session is for committee to discuss the bill and make recommendations on the bill to the Legislature; the time for public comment was at the public hearing. Generally, members of the audience are not permitted to participate in the work session, but may provide information with permission of the chair.

- It may be useful to remind people that the microphones will be broadcasting the comments of the members, the analyst and whomever may be invited by the chairs to answer questions; all that is picked up by the microphones is also being recorded.

- *[Announce to the committee and audience] "We will begin the committee work session on LD _____, AN ACT To_____."*

5. CONDUCTING THE WORK SESSION

- Work sessions are the committee's opportunity to publicly discuss the merits of the bill.

- Work sessions are usually reserved for deliberation on the bill by members of the committee.

- Permission of the committee (through the chair) is usually required for a member of the public, departmental official or lobbyist to speak to the committee or otherwise participate in a work session.
- Typically, the committee's analyst will begin the work session by providing a summary and brief analysis of the bill including identifying any known policy, legal or fiscal issues the committee may need to consider.

6. VOTING

- All votes must be taken in public.
- No committee vote on a bill may be taken after 10:30 p.m. or before 7:30 a.m. unless authorized by the presiding officers.
- A quorum must be present to vote; if a quorum is present but no Senator is among them, the committee may vote only with authorization of the President of the Senate.
- Reports that may be recommended by one or more committee members include: Ought to Pass; Ought to Pass as Amended; Ought to Pass in New Draft (the use of this report requires approval of both presiding officers); Ought Not to Pass; and Refer to Another Committee.
- When the committee recommendation is not unanimous, one or more minority reports are required. Under Joint Rule 310, minority reports must be voted at the same work session as the majority report on the bill (with the exception of any report of a member who is absent).
- A motion and vote must be taken on each committee report, including divided reports.
- The committee clerk records the vote. The vote may be taken by raising hands or calling the roll as is convenient for the committee and the clerk.
- The committee and committee analyst should ensure that the analyst has enough information to draft all committee amendments in the manner sought by the committee members.
- 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. If the presiding officers jointly determine that operational needs of the Legislature so require, they may require that a member who is absent from the committee at the time of the vote register that member's vote by noon on the next business day following the committee vote.

7. FISCAL NOTES

Every report on a bill or resolve, other than "Ought Not to Pass" or "Refer to Another Committee," must be reviewed by the Office of Fiscal and Program Review for fiscal impact. If the report is determined by that office to affect state revenues or potentially impose a cost on

a municipality, a fiscal note must be included with the report before the bill is reported out of committee (see Joint Rule 312). If the report includes no amendment to the bill's language but has a fiscal note with a cost, the report must be "Ought to Pass as Amended" to include the fiscal note.

8. CONCLUDING THE WORK SESSION

When the final vote has been taken or the bill tabled for later discussion, the chair should announce the closing of the work session on LD _____ and bang the gavel.

Except as otherwise decided by the committee, final majority (and minority) reports will be prepared and presented to the committee by the committee analyst for approval before final processing and reporting out to the floor.

9. POST WORK SESSION ACTIVITIES

The Committee Clerk prepares the committee jacket or jackets following the vote and obtains signatures from committee members as required.

Committee chairs should consult with the Committee Clerk from time to time to ensure that bill files are complete and that bills and amendments are in fact reported out in accordance with deadlines and procedures established by the presiding officers.

[Repeat entire process for each bill to be worked.]