



Troy D. Jackson
President of the Senate

State of Maine
129th Maine Legislature

Sara Gideon
Speaker of the House

To: Senate Chairs and House Chairs
Joint Standing Committees of the 129th Legislature

From: Troy Jackson, President of the Senate T.S.
Sara Gideon, Speaker of the House of Representatives SS T

RE: Committee Rules of Procedure

Date: February 19, 2019

Pursuant to Joint Rule 304, please find attached your Committee Rules of Procedure with the committee's proposed amendments approved or disapproved as indicated. **In addition, please note that all committees shall replace the existing language in Section 7, ¶E of the Model Committee Rules with the following amended language effective immediately.**

7. Procedures for public hearings. The purpose of a public hearing is to invite public comments on proposed legislation or gubernatorial nominations pending before the committee. Joint Rule 304 governs the public hearing process.

E. Committee members may question witnesses to clarify testimony and to elicit helpful and pertinent information. While probing questions may sometimes be appropriate, members shall show respect at all times for the witnesses and for one another. Members shall refrain from questioning that is argumentative, oppressive, repetitive or unnecessarily embarrassing to hearing participants. Advocacy and discussion among members are not appropriate at public hearings. **A committee member who is the primary sponsor of a legislative document and any member who testifies for or against the legislative document ~~ordinarily should~~ shall refrain from questioning other witnesses, except as authorized by the chair to allow the sponsor or member testifying to ask a clarifying question.**

If you have questions, please contact your presiding officer. Thank you.

SENATE

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JUSTIN M. CHENETTE, DISTRICT 31
ROBERT A. FOLEY, DISTRICT 34

DAN TARTAKOFF, LEGISLATIVE ANALYST
CALEB ROEBUCK, COMMITTEE CLERK



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STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

TO: Troy Jackson, President of the Senate
Sarah Gideon, Speaker of the House of Representatives

FROM: Brownie Carson, Senate Chair
Ralph L. Tucker, House Chair
Joint Standing Committee on Environment and Natural Resources

DATE: February 7, 2019

RE: Environment and Natural Resources Committee Rules of Procedure

Attached, please find an amended version of the model rules of committee procedure for your review. At a February 7, 2019 meeting, 10 members of the Environment and Natural Resources Committee present voted unanimously in favor of the proposed changes, which provide:

- 1. Quorum.** Unless otherwise determined by the chairs, every committee meeting will start once a quorum is present (Section 2A, page 1).
- 2. Attendance.** Each committee member must also notify the committee clerk whenever the member anticipates arriving late to a public hearing or work session (Section 3, page 1).
- 3. Eating restrictions.** Committee members may consume beverages only during public hearings and may consume beverages and food during work sessions. Unless otherwise determined by the chairs, lunch breaks will be 30 minutes long or members may be allowed to retire in pairs to take lunch while the meeting continues (Section 6C, pages 3).
- 4. Dress code.** Dress code for members during public hearings is business and during work sessions is business casual (Section 6-A, page 3).
- 5. Use of electronic devices.** Electronic devices may be used by members during meetings to take notes or access information relevant to a bill or other legislative matters. Texting and emailing during meetings is discouraged. Members must silence or turn off phones during meetings and should pay a voluntary \$5 fine if their phone rings, to be deposited into a committee fund for the purchase of food to be consumed by members during meetings. If the chairs have reminded the audience to silence their phones during a meeting and an audience

member's phone subsequently rings, that audience member will be asked to pay a voluntary \$5 fine into the same committee fund (Section 6-B, page 3).

6. Procedures for public hearings. The chairs may choose to use a sign-up sheet for public hearings and, to the extent possible, give speaking order preference to those audience members who have traveled the furthest to testify. Unless otherwise determined by the chairs, a three-minute clock will be used for all hearings. Additional changes set forth procedures for the taking of testimony during hearings based on the following order: sponsor and co-sponsor(s); other legislators; state agency representatives; members of the general public and representatives of public and private organizations; and registered lobbyists (Section 7, pages 3-5).

7. Procedures for work sessions. Clarifies that audience participation during work sessions will only be allowed by the chairs to the extent their comments may help clarify relevant questions asked by the committee (Section 8B, page 5).

8. Partisan caucusing. Partisan caucusing during a meeting may be requested by any member and allowed by the chairs for a specified period of time. Caucusing should be kept to a minimum if members of the public are waiting for the committee to reconvene after caucusing (Section 8-A, page 5).

9. Reports. Clarifies that voting will be taken by a show of the hand, but that a member may request and the chairs may allow a vote by the yeas and the nays (Section 9B, page 5).

10. Use of committee room. Clarifies that the chairs' office is also available for member use (Section 13, page 7).

cc: Members, Environment and Natural Resources Committee

**Joint Standing Committee on Environment and Natural Resources
129th Maine Legislature
First Regular Session**

COMMITTEE RULES OF PROCEDURE

NOTICE REGARDING COMMITTEE RULES OF PROCEDURE

Joint Rule 304 provides that 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 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.

The rules of procedure in committee are the same as the rules of the Senate and the House of Representatives to the extent applicable. Committee procedures must be consistent with these rules.

1. Chair presides. Pursuant to Joint Rule 302, 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.

2. Quorum. The following defines a quorum and when it is required.

A. A quorum is 7 members of the committee, one of whom must be a Senator. A quorum must be present to start a meeting. If 7 members of the committee are present but there is not a Senator among those present, the committee may start a meeting only:

(1) with the authorization of the President of the Senate; or

(2) after notifying the Office of the President of the Senate that no Senators are present and after 30 minutes has passed since the time the notice was given.

A quorum is not required to continue a meeting. Unless otherwise determined by the chairs, every committee meeting will start once a quorum is present.

B. A quorum is not required for a vote on a motion to adjourn. All other votes require a quorum; if 7 members of the committee are present but there is not a Senator among those present, the committee may take such a vote only with the authorization of the President of the Senate.

3. Attendance. It is each committee member's responsibility to notify the committee clerk whenever the member is unable to attend a public hearing or work session or whenever the member anticipates arriving late to a public hearing or work session.

4. Scheduling of hearings and work sessions. Joint Rules 304 and 305 govern the scheduling and notice of public hearings and work sessions.

A. The Senate chair with the agreement of the House chair and the assistance of committee staff shall schedule legislative documents for public hearings and work sessions. If the chairs do not reach an agreement, the committee shall decide by majority vote of the membership.

B. In accordance with Joint Rule 305, the presiding officers jointly establish authorized meeting days. The committee may meet only on authorized meeting days unless the presiding officers authorize an exception in writing.

C. Public hearings must be advertised 2 weekends in advance of the hearing date. All exceptions to this requirement require advance approval of both presiding officers.

D. The committee clerk shall:

(1) Distribute a weekly schedule to all committee members providing a detailed list of hearings and work sessions that have been scheduled for the following week;

(2) Post the weekly schedule outside the committee room and arrange for its posting at any other locations designated by the Legislature;

(3) Notify the sponsors of legislation of the date and time of the public hearing. Whenever possible, this notice must be at least 2 days in advance of the hearing; and

(4) Provide timely notice to the sponsors of the date and time of work session(s) on the legislation.

E. The committee shall provide reasonable access for persons with disabilities at its meetings and allow adequate time for participation by persons with disabilities.

F. Pursuant to Joint Rule 305 and Maine's freedom of access laws (Maine Revised Statutes, Title 1, chapter 13, subchapter 1), the committee may not hold a hearing or conduct a work session for which notice has not been posted.

5. Questions of order. Pursuant to Joint Rule 304, the presiding chair shall decide all questions of order, subject to appeal to the committee. The chair's ruling stands unless overruled by a majority of the committee membership.

6. Smoking and eating restrictions.

A. Pursuant to 22 MRSA §1542, smoking is prohibited in all committee rooms and committee offices. Smoking is prohibited in the Cross Building and the State House and on the grounds of the State House complex except in outdoor areas specifically designated as smoking areas.

B. Members of the public may not consume food or beverages, except for water, in the committee rooms.

C. Committee members may not consume food or beverages in committee rooms except as follows:

- (1) During public hearings, committee members may consume water beverages only;
- (2) During work sessions, committee members may consume beverages and food; ~~if a work session extends past 6:00 p.m., committee co-chairs may permit members to consume food and beverages; and~~
- (3) The co-chairs of the Appropriations Committee or the chair of the Legislative Council, as applicable, may permit the consumption of food and beverages in Room 228 and Room 334 at any time; and
- (4) Unless otherwise determined by the chairs, lunch breaks during committee meetings will be 30 minutes long or committee members may instead be allowed to retire in pairs to take lunch in the chairs' office while the meeting continues.

6-A. Dress code. Dress code for committee members during public hearings is business attire and during work sessions is business casual attire.

6-B. Use of electronic devices.

A. Computers, tablets and other electronic devices may be used by committee members during committee meetings to take notes or access information relevant to a bill or other legislative matters under discussion. It is up to each committee member to use these devices responsibly.

B. Texting and emailing during committee meetings is discouraged.

C. Committee members must silence or turn off their cellular devices during all committee meetings. If a committee member's cellular telephone rings during a committee meeting, the member should pay a voluntary fine of \$5, to be deposited into the committee fund for the purchase of food items to be consumed by members during committee meetings. If the chairs have reminded audience members during a committee meeting to silence their cellular devices and an audience member's device subsequently rings during the meeting, the audience member will be asked to pay the same voluntary fine of \$5, to be deposited into the same committee fund.

7. Procedures for public hearings. The purpose of a public hearing is to invite public comments on proposed legislation or gubernatorial nominations pending before the committee. Joint Rule 304 governs the public hearing process.

A. Each person testifying shall announce his or her name, residence and affiliation prior to testifying. The person also shall either sign the sheet maintained by the committee clerk or otherwise provide that information to the committee clerk to place in the committee files. At the discretion of the chairs, a sign-up sheet may be posted prior to a public hearing to assist in determining speaking order. To the extent possible, audience members who have traveled the furthest distance to testify will be given preference in determining speaking order.

B. Legislators and persons in the audience must be addressed by their title.

C. Pursuant to Joint Rule 307, all written materials presented to the committee must bear the name, address and affiliation, if applicable, of the presenter and the date presented. Persons submitting written materials shall provide the committee clerk with *at least 20 copies*.

D. All questions must be addressed through the chair. Pursuant to Joint Rule 304, the chair may limit testimony at public hearings as necessary for the orderly conduct of the hearing.

E. Committee members may question witnesses to clarify testimony and to elicit helpful and pertinent information. While probing questions may sometimes be appropriate, members shall show respect at all times for the witnesses and for one another. Members shall refrain from questioning that is argumentative, oppressive, repetitive or unnecessarily embarrassing to hearing participants. Advocacy and discussion among members are not appropriate at public hearings. A committee member who is the primary sponsor of a legislative document and any member who testifies for or against the legislative document ordinarily should refrain from questioning other witnesses.

F. Committee members and members of the public shall refrain from making or receiving phone calls during public hearings.

G. Procedures for public hearings on nominations of gubernatorial appointments are governed by statute and the Joint Rules.

H. Unless otherwise determined by the chairs, a three-minute clock will be used at every public hearing and each person testifying will be asked to limit their testimony to three minutes in length.

I. Unless otherwise determined by the chairs, testimony at public hearings will be taken in the following order:

(1) The sponsor and co-sponsor(s) of the bill will testify first;

(2) Any other legislators wishing to testify will testify second. Any legislators arriving late to a public hearing will be scheduled to testify as soon as practicable;

(3) State agency representatives will testify third;

(4) Members of the general public and representatives of public and private organizations who are not registered lobbyists will testify fourth; and

(5) Registered lobbyists will testify last.

J. Unless otherwise determined by the chairs, following completion of testimony by all individuals described in paragraph I, subparagraphs (1) through (3), the committee will invite testimony from all others in support of the bill for 30 minutes, then testimony in opposition to the bill for 30 minutes, then testimony neither for nor against the bill for 30 minutes. Testimony will alternate in this order in 30 minutes periods until all remaining persons have testified.

8. Procedures for work sessions. The purpose of a work session is to provide an opportunity for the committee members to deliberate on legislative documents and other matters pending before the committee.

A. All questions must be addressed through the chair.

B. Because work sessions are primarily for deliberation on bills and other committee matters by the committee members and for working with the committee analyst, members of the audience may not participate except at the invitation of the chair. Audience member participation in work sessions will only be allowed by the chairs to the extent that the comments of the audience member may help to clarify relevant questions asked by the committee.

8-A. Partisan caucusing. Partisan caucusing during a committee meeting may be requested by any committee member and, at the discretion of the chairs, allowed for a specified period of time. Partisan caucusing during a committee meeting should, to the extent possible, be kept to a minimum when members of the public are waiting for the committee to reconvene after caucusing.

9. Reports. Joint Rule 310 governs committee reports. The committee shall report out every legislative document referred to it, in accordance with reporting deadlines established by the presiding officers and the Joint Rules. The report of the committee must include a recommendation. When a vote is taken on a legislative document, the committee clerk shall record the vote.

A. 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; or
Leave to Withdraw.

Necessary fiscal notes must be incorporated into the committee report before the bill is reported out.

B. Except for Leave to Withdraw, the committee shall vote on all recommendations to be included in reports on a legislative document during a work session on that legislative document. Voting will be taken by a show of hands; however, a committee member may request and the chairs may allow a vote to be taken by the yeas and the nays.

Votes may not be taken after 10:30 p.m. or before 7:30 a.m. unless first authorized jointly by the presiding officers.

C. In accordance with Joint Rule 310(6) a sponsor may request Leave to Withdraw the sponsor's bill or resolve before it is advertised for a public hearing. The request may be granted only by the agreement of both chairs. When a request for Leave to Withdraw has been granted by the chairs, the bill or resolve is reported out as Leave to Withdraw.

D. If all members are not present for the vote, the bill must be held in committee until the following periods have expired.

(1) If a member is absent from the committee at the time of the vote, the member may register that member's vote with the clerk up until noon on the 2nd business day following the vote.

(2) If the presiding officers jointly determine that operational needs of the Legislature so require, they may require that a member who was 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.

E. If the vote is not unanimous, more than one report is required. In accordance with the Joint Rules, minority reports must be voted on at the same work session as the majority report on the bill, except as provided in paragraph D. Notwithstanding paragraph D, a committee vote to report a bill favorably must be taken based on written language before the committee at that time or on a motion describing the content of the report.

F. A member may abstain from voting only if the member has a conflict of interest as described in Joint Rule 104.

G. The committee clerk shall prepare the committee jacket or jackets following the vote and obtain signatures from committee members as required.

H. All committee reports must be reviewed at a work session or otherwise distributed to all committee members. The committee shall ensure that all committee reports are available for review by the public no later than when the report is submitted to the Legislature.

I. 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.

J. All reports on any legislative document must be submitted to the Legislature at the same time and within applicable reporting deadlines established by the presiding officers.

10. Joint referral of bills: Bills with subject matter that overlap committee jurisdictions may be referred jointly to more than one committee. In those cases, Joint Rule 308(3) makes specific provisions for the conduct of public hearings and work sessions and for the reporting out of the bills.

11. Participation in the budget process: Committee participation in development of budget legislation is governed by Joint Rule 314. Joint Rule 314 also governs the process by which the committee notifies the Appropriations Committee of its priority for committee bills that are placed on the Special Appropriations Table.

12. Procedures for review of gubernatorial nominations. The committee shall review gubernatorial nominations in accordance with the requirements of the Maine Constitution, Art. V, Part 1st, §8; the Maine Revised Statutes Title 3, Chapter 6; and Part 5 of the Joint Rules.


13. Use of the committee room: During the legislative session, committee chairs and other committee members shall coordinate the use of the committee room and the chairs' office with the chairs and the committee clerk. At all other times, use of committee rooms must be coordinated through the Legislative Information Office.

14. Confidentiality. The committee shall protect confidential records in accordance with procedures set forth in Joint Rule 313 and freedom of access laws, the Maine Revised Statutes, Title 1, chapter 13, subchapter I.

Committee rules adopted by the Joint Standing Committee on 2/7/19

Date:

By:


Brownie Carson, Senate Chair


Ralph Tucker, House Chair

A copy of the adopted Committee Rules of Procedure must be posted in the committee room and be available for public review.

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If the committee proposes any changes to the rules, the changes must be identified and presented to the presiding officers.

PROPOSED CHANGES?

No

Yes see memo

IF YES, REVIEWED AND AGREED TO BY:


President of the Senate

Date: 2/28/19


Speaker of the House

Date: 2/15/19