# 131st Maine Legislature

## Joint Standing Committee on Judiciary
## 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. Pursuant to Joint Rule 306, for the purposes of establishing a quorum, only those members physically present at the meeting may be counted. If a quorum has been established but there is not a Senator among those physically present or attending by electronic means pursuant to Section 3, 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.

B. A quorum is not required for a vote on a motion to adjourn. All other votes require a quorum; if a quorum has been established but there is not a Senator among those physically present or attending by electronic means pursuant to Section 3, 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. A member may participate in a meeting by electronic means only with the express permission of that member's presiding officer in accordance with Joint Rule 310(5)(B) and the guidance memo from the presiding officers dated January 3, 2023.

**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~~ but may consume beverages~~, except for water,~~ in the committee room~~s~~.

C. Committee members may ~~not~~ consume food or beverages in the committee room~~s except~~ as follows:

(1) During public hearings, committee members may consume ~~water~~ beverages only;

(2) During work sessions, committee members may consume beverages and snacks, or additional food at the discretion of the chair~~; 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.

**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.

B. Legislators must be addressed by their title. Persons in the audience may specify how they prefer to be addressed.

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 present in the room and 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 shall refrain from questioning other witnesses, except as authorized by the chair to allow the sponsor or member testifying to ask a clarifying question.

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. During public hearings, the public may provide written materials to committee members only through the committee clerk.

I. During public hearings, attendees are not permitted to hold or display signs, posters, placards or props either in the committee room or, if they are attending remotely, while they are visible on the committee's livestream.

**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.

C. During work sessions, the public may provide written materials to committee members only through the committee clerk.

D. During work sessions, attendees are not permitted to hold or display signs, posters, placards or props either in the committee room or, if they are attending remotely, while they are visible on the committee's livestream.

**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.

A member who is not physically present at the meeting but who received permission from that member's presiding officer to participate by electronic means is deemed to be present for the purposes of voting, but only for voting on committee reports listed in this paragraph and only in a manner that provides opportunity for those physically present at the meeting to see and hear how that member voted.

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.

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. Except as provided in paragraph D, minority reports must be voted on at the same work session as the majority report on the bill. 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 with 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 (Select) Committee on
Jan. 24, 2023

Date: 1/25/2023

By:

Senate Chair: _____ 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* ☑

*Proposed amendments:*

- *Rule 2(B): The rules are amended to correct a typographical error.*
- *Rule 6(B): The rules are amended to allow the public to consume beverages in the committee room.*
- *Rule 6(C)(1): The rules are amended to allow committee members to consume beverages during public hearings.*
- *Rule 6(C)(2): The rules are amended to allow committee members to consume beverages and snacks, or additional food at the discretion of the chair, during work sessions.*
- *New Rules 7(H) and 8(C): The rules are amended to add new paragraphs providing that, during public hearings and work sessions, written communications from the public must be delivered through the committee clerk.*
- *New Rules 7(I) and 8(D): The rules are amended to add new paragraphs prohibiting public hearing and work session attendees from holding or displaying signs, posters, placards or props either in the committee room or, if they are attending remotely, while they are visible on the committee's livestream.*

*IF YES, REVIEWED AND AGREED TO BY:*

President of the Senate — Date: 2/21/23

Rachel Talbot Ross
Speaker of the House — Date: 2/14/23