



*Ethan K. Strimling, Mayor (Chair)*

*Nicholas M. Mavodones, At-Large City Councilor*

*Kimberly Cook, District 5 City Councilor*

## **Rules and Reports Committee**

**Monday, May 20, 2019**

**TIME 3:00 P.M**

**LOCATION : City Hall Room 209**

### **AGENDA**

1. Call to Order
2. Approval of minutes of previous meeting
  - a. Approval of the March 18, 2019 Minutes
3. Public Comment on Council Rules
4. Council Rules
  - a. Discuss Rules of Procedures for 2018-2019
5. Follow up discussion on new referencing rule
6. Potential Executive Session to discuss the City Clerk, Corporation Counsel and City Manager's evaluation pursuant to 1 M.R.S Section 405(6)(A)
7. Adjourn



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## **Rules and Reports Committee**

**Monday, March 18, 2019**

**TIME 3:30 PM**

**LOCATION CITY HALL ROOM 209**

### **MINUTES**

**1. Call to Order**

Mayor Strimling called the meeting to order at 3:40 P.M. (Councilor Mavodones, Councilor Cook, Danielle West-Chuhta, Corporation Counsel, and Katherine Jones, City Clerk were present. There were no members from the public.

**2. Public Comment on Council Rules**

**3. Council Rules**

**a. Discuss Reference process and information needs**

The Rules Committee discussed the following process for referrals and will continue discussion at a further date:

Mayor and City Manager decide at the Agenda meeting what referral items should go to which committee.

The Committees will review all Orders, Amendments, and Budget items over \$50,000. prior to coming to the City Council.

The referral items will be listed on the agenda as Referral Items.

The whole City Council will vote to send them to the committee or could take one referral off the referral list with a 2/3 vote and brought before the Council for it's standard one read or two read, by-passing the Committee.

The details will be worked out at the next Rules Committee meeting.

**b. Discuss any other permissions of rules and information needs**

**4. Discuss Annual Evaluation process for City Clerk, Corporation Counsel and City Manager**

Mayor Strimling is going to see what people had available for the next meeting by doodle calendar. The purpose will be to discuss the evaluation process for the City Clerk, Corporation Counsel and City Manager.

**5. Potential Executive Session to discuss the City Clerk, Corporation Counsel and City Manager's evaluation pursuant to 1 M.R.S Section 405(6)(A)**

**6. Adjourn**

Motion was made by Councilor Cook and seconded by Councilor Mavodones to adjourn. Passage 5:20 P.M.

# DRAFT

## RULES OF PROCEDURE OF THE CITY COUNCIL

As Amended ~~December 3, 2018~~

### Rule 1. Regular Meetings and Council Workshop Sessions

- A. The regular meetings of the Council shall be held in the room known as the City Council Chamber or such other room as deemed appropriate in City Hall in one session at 5:30 p.m. on the first and third Mondays of each calendar month. When said Monday is a holiday or an election day, the regular meeting shall be held on the following Wednesday, at the same time and place. The date or the time of any regular meeting may be changed by an order passed at a previous meeting of the Council or by warrant for a special meeting called in lieu of a regular meeting; provided however, that said change in date will still provide for two regular meetings in one month. Unless otherwise changed by an order passed at a preceding meeting or by the calling of a special meeting at a different time or place, for like purposes, the Council shall also regularly meet at 12:00 noon on the first Monday of December of each year for the purpose of the inauguration of Portland City Council, the swearing in of Councilors-elect, filling Council committees, adopting rules and orders, and transacting such other business as it may deem appropriate. The public hearing of any item shall not commence after 10:00 p.m. of the day of said regular meeting unless five (5) members consent to such consideration. The Council deliberation and action on any item shall not commence after 10:00 p.m. of the day of said regular meeting unless five (5) members consent to such consideration.

B. With proper notice, workshop sessions of the City Council may be called by five (5) members of the City Council, the Mayor or the City Manager, as the case may be, for obtaining legal, administrative or policy guidance or for the presentation of information by the City Manager, the City Clerk or Corporation Counsel or their staff. The City Council shall not take votes in workshop sessions; however, the Council may be polled at the workshop to obtain an unofficial sense of the position of the Council on an issue being discussed at the workshop. To the maximum extent possible, materials for such sessions shall be provided to the City Council at least two (2) business days prior to the scheduled workshop. All such workshop sessions shall be open to the public, in accordance with 1 M.R.S. §400 et seq. ("FOAA").

**Rule 2. Quorum; Adjourned Meetings**

A majority of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least twenty-four (24) hours' notice of the time and place of holding such adjourned meeting shall be given to all members who are not present at the meeting from which adjournment is taken.

**Rule 3. Enactments**

The Council shall act only by ordinance, order, or resolve. Final passage of or amendments to any item shall require five (5) affirmative votes except where a greater number is required by Charter or Ordinance. All ordinances, orders, and resolves, except orders and resolves making an appropriation of money, shall be confined to one subject, which shall be clearly expressed in the title. The appropriation order or resolve shall be confined to the subject of appropriations only.

**Rule 4. Ordinance; Style**

All ordinances passed by the Council shall be termed "amendments to the Portland City Code" and the enacting style shall be: "Be it ordained by the City Council of the City of Portland, Maine, in City Council assembled."

**Rule 5. Order and Resolve; Style**

In all votes of command, the form of expression shall be "ordered"; and of opinions, principles, facts or purposes, the form shall be "resolved".

**Rule 6. Readings**

The reading of any ordinance, order, or resolve shall be by title of the ordinance, order or resolve only, if no member objects.

**Rule 7. Reading on Two Separate Days; Waiver**

No ordinance, no appropriation resolve, and no order authorizing the expenditure of \$50,000.00 or more shall be passed until it has been read on two separate days, except when the requirement of reading on two separate days has been dispensed with by a vote of seven (7) of the members.

**Rule 8. Yeas and Nays Taken; When**

The yeas and nays shall be taken upon the passage of all ordinances and orders authorizing the expenditure of money in the amount of \$50,000.00 or more and entered upon the record of the proceedings of the Council by the Clerk. The yeas and nays shall be taken on the passage of an order or resolve when called for by any member.

**Rule 9. Ordinances; Effective When**

No ordinance shall take effect until thirty (30) days after its passage by the Council, except in the case of emergency ordinances.

**Rule 10. Order, Resolve; Effective When**

No order or resolve shall take effect until ten (10) days after its passage, except in the case of emergency orders and resolves.

**Rule 11. Emergency Ordinances, Orders and Resolves**

The Council may, by vote of seven (7) of its members, pass emergency ordinances, orders, or resolves to take effect at the time indicated therein, but such emergency ordinances, orders or resolves shall contain a section in which the emergency is set forth and defined, provided, however, that the declaration of such emergency by the Council shall be conclusive.

**Rule 12. Item for Meetings; Filed When**

A. No ordinance, order, resolve, or other document shall be in order for action at any regular meeting of the Council unless such ordinance, order, resolve, or other document shall appear on the Council Agenda.

B. Items for the Agenda should to the maximum extent possible be received in the office of the City Manager on or before the close of the work day ten (10) days prior to the scheduled Council meeting.

C. Each item for the Agenda shall be submitted with an electronic agenda request form. The form shall have a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy.

D. If a submitted item for the Agenda involves an ordinance amendment, order in the amount of \$50,000 or more, or a budget order, such item shall be first referred and reviewed by a Committee before it appears on the Agenda. The Committee assigned to review a referral item shall be agreed to by the City Manager and Mayor. If the City Manager and Mayor disagree

on which Committee to refer the item to, the item shall appear on the Council agenda for a formal vote to refer the item as per Rule 29. All licenses, proclamations, resolutions, festival orders, grant approvals, communications, and grant approvals/appropriations shall appear on the Agenda without the need for the aforementioned prior referral to a Committee.

**Rule 13. Sponsorship.**

Items listed on the Council agenda shall be sponsored as follows:

- A. The Mayor shall sponsor any proclamations or resolutions; and
- B. The City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items.

**Rule 14. Presiding Officer to Chair Meetings**

The Presiding Officer shall take the chair at the time appointed for the meeting, call the members to order, cause the roll to be called, and, a quorum being present, cause the minutes of the preceding meeting to be read and proceed to business.

**Rule 15. Preserve Order Decide All Questions of Order**

The Presiding Officer shall preserve decorum and order, may speak to points of order in preference to other members, and shall decide all questions of order subject to an appeal to the Council by motion regularly seconded, and no other business shall be in order until the question on appeal is decided.

**Rule 16. Declare Votes; Cause Return of Votes**

The Presiding Officer shall declare all votes, but if any member doubts a vote, the Presiding Officer shall cause a return of the members voting in the affirmative and in the negative; without debate.

**Rule 17. Debate; Rules of**

When a question is under debate, the Presiding Officer shall receive no motion but to adjourn, or for the previous question, or to lay on the table, or to postpone to a date certain, or to refer to a committee or some administrative official, or to amend, or to postpone indefinitely; which several motions shall have precedence in the order in which they stand arranged.

**Rule 18. Motion to Adjourn; Lay on Table**

The Presiding Officer shall consider a motion to adjourn as always in order except on immediate repetition; and that motion and the motion to lay on the table, or to take from the table, shall be decided without debate.

**Rule 19. Reconsideration**

When a vote is passed, it shall be in order for any member who voted in the majority, or in the negative on a tie vote to move a reconsideration thereof, at the time, or the next stated meeting, but not afterwards, and when a motion of reconsideration is decided, that vote shall not be reconsidered. No motion to reconsider a vote passed at a previous meeting shall be in order for consideration at the next stated meeting unless an item to that effect is contained in the agenda for such next stated meeting or unless seven (7) of the members consent to such reconsideration.

A citizen petition, or zone change petition, once presented to and finally acted upon by the Council shall not again be received by the Council in the same or substantially the same form for a period of one (1) year next succeeding the Council's

final action on the original petition. A member voting with the majority on the original petition, however, shall be privileged to reintroduce such a petition in accordance with the requirements of this rule.

A liquor license or special entertainment permit, or an amendment proposed by the licensee to an existing license or permit that has been denied by the Council shall not be received by the Council in the same or substantially the same form for one (1) year from the date of such action unless a shorter period is required by state law.

All other items, once presented to and finally acted upon by the Council, shall not again be offered or received by the Council in the same or substantially the same form within a given Council year (i.e. December - December).

**Rule 20. Failure to Pass for Lack of Required Votes**

When an item fails to finally pass for lack of the required five (5), or seven (7) affirmative votes, as applicable, and is not otherwise disposed of, the item shall appear on the Agenda as unfinished business at the next succeeding meeting.

**Rule 21. Motion for Previous Question**

Upon the motion for the previous question being made and seconded, the Presiding Officer shall put the question in the following form: "Shall the main question be now put?". And all debate upon the main question shall be suspended until the motion for the previous question shall be decided. After the adoption of said motion for the previous question by a majority vote, the sense of the Council shall be forthwith taken upon all pending amendments and then upon the main question. Neither is it susceptible of amendment. All questions of order arising incidentally thereon must be decided without discussion whether appeal be had from the Presiding Officer or not.

**Rule 22. Manner of Speaking**

When a member is about to speak at a Council meeting, he or she shall rise in his or her place, if physically able to do so, and respectfully address the Presiding Officer, confine himself or herself to the question under debate, and avoid personalities.

**Rule 23. Length of Statements by Members**

During the deliberation on any item and associated amendments, each member shall limit his or her remarks and/or questions, but not including responses to his or her questions, to a total of ten (10) minutes. In the event that an item is divided, each member shall be entitled to an additional five (5) minutes of remarks and/or questions.

**Rule 24. Not to Interrupt**

No member speaking shall be interrupted by another, but by a call to order by the Presiding Officer, a point of order by any member or to correct a mistake.

**Rule 25. Breach of Rules and Orders**

When any member shall be guilty of a breach of any of the rules or orders of the Council, that member may, on motion, be required to make satisfaction therefor, and shall not be allowed to vote, or speak, except by way of excuse, until he or she has done so.

**Rule 26. Member Excused From Voting; When**

Every member present when a question is put shall vote unless the member is precluded from participation therein because of interest or the appearance of interest or unless she or he is otherwise prohibited by law from participation.

- A. Any member abstaining on grounds of interest or the appearance of interest must do so at the commencement of

deliberations on the item under discussion and shall not participate in said deliberations or vote on such item.

- B. Any member abstaining as permitted hereunder shall clearly state such intent, the reason for such abstention and the legal or factual basis therefor prior to the commencement of deliberation on such item.

**Rule 27. Motion to be Reduced to Writing; When**

Any motion shall be reduced to writing if the Presiding Officer shall so direct.

**Rule 28. Division of a Question**

Any member may move that a question be divided.

**Rule 29. Motion for Referral**

Any member can make a motion for referral of any item **before the Council** to a Committee or administrative official. A motion for referral to a Committee or administrative official, until it is decided, shall preclude all amendments of the main question.

**Rule 30. Priority of Business**

All questions relating to priority of business to be acted upon shall be decided without debate.

**Rule 31. Suspension of Rules; Amendment or Repeal**

The rules shall not be dispensed with or suspended unless two-thirds ~~as~~ of those present and voting consent thereto; provided, however, that when these rules expressly require a vote larger than said two-thirds such rules shall not be suspended except by an equal or greater vote. No rule of procedure shall be amended or repealed without notice, in writing, being given at the preceding meeting.

### **Rule 32. Procedure for Addressing Council**

Any person wishing to address the Council will be given an opportunity to do so in accordance with the following procedure:

1. No public comment shall be permitted on the following agenda items: informational reports or communications from boards and commissions, staff or other organizations or entities; and administrative action implementing prior action of the Council where that prior action had permitted public comment.

2. On items other than those set forth in 1. above, public comment shall be permitted only once prior to final Council action. Except as specifically decided by the Council, such public comment shall occur at the advertised public hearing or at the second reading of such item by the Council, where the item requires a second reading on a separate date.

3. Persons wishing to address the Council on an item which appears on the agenda, and upon which public comment is permitted under 1. and 2. above, shall wait until the Clerk announces the consideration of such item, at which time they may address the Council on that particular item. However, once the Council has begun its deliberations on an item, no person shall be permitted to address the Council on such item.

4. Persons wishing to address the Council on an item not appearing on the agenda shall only do so at the 6:00 p.m. public comment period reserved on the Council agenda for non-agenda items.

5. Any person wishing to address the Council shall signify such desire and, when recognized by the Presiding Officer, such person shall give his or her name and address, and/or organization or individual represented, if any, designate the subject matter on which he or she desires to address the

Council, respectfully address only the Presiding Officer, and avoid personalities.

6. When any person or entity is being honored or recognized by the Council, applause shall be permitted. In all other matters, persons present at Council meetings shall not interrupt, nor applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting.

7. Any and all signs shall not be permitted in the Council Chambers.

8. Persons addressing the Council on an item prior to start of deliberation on such item by the Council shall be permitted to speak only once on an item, and shall limit their remarks on each item to three (3) minutes. From time to time, the Presiding Officer may grant an extension of this three (3) minute requirement. Such persons shall also confine their remarks to the merits of the pending item. No members of the public shall comment on more than three (3) items, excluding any comment provided pursuant to number 4 above, at any Council meeting unless the Rules of the Council are suspended to allow for comment on each such additional item.

9. The Presiding Officer may limit or cut off any commentary that is not germane or that is scurrilous, abusive, or not in accord with good order and decorum.

10. Any person who shall continue to violate these rules, after warning by the Presiding Officer, may be ejected for the remainder of the meeting then in progress.

### **Rule 33. Parliamentary Proceedings**

In all cases where the parliamentary proceedings are not determined by the foregoing rules, "Robert's Rules of Order"

(Newly Revised, 11<sup>th</sup> Edition) shall be taken as authority to decide the course of the proceedings.

A list of debatable and non-debatable motions is hereby incorporated for reference in Appendix A, attached hereto.

**Rule 34. Council Committees**

At the commencement of the municipal year members shall be appointed to the following standing Committees, each Committee, except the Economic Development Committee, which shall have four (4) members, to consist of three (3) members of the Council:

1. Economic Development Committee;
2. Finance Committee;
3. Health and Human Services and Public Safety Committee;
4. Housing Committee;
5. Legislative/Nominating Committee;
6. Rules and Reports Committee; and
7. Sustainability and Transportation Committee.

A majority of the members of the above standing Committees shall constitute a quorum for the transaction of business.

**Rule 36. Council Committees; How Chosen**

The members of the Council to serve on the above Committees shall be appointed by the Mayor. The Council may override one or more of such appointments by a vote of at least six (6) members.

**Rule 36. Council Committees; Public Comment**

The public will be given an opportunity to comment on any item under consideration by the below-named standing Council Committees prior to a final Committee action on that item. Any

person addressing the Committee on an item shall be permitted to speak only once on an item, shall give his or her name and address, and/or organization or individual represented, if any, and shall limit their remarks on each item to three (3) minutes. From time to time, the Presiding Officer of a Committee may extend this period of time pursuant to Rule 31(8). These requirements for public comment shall apply to the following Committees:

1. Economic Development Committee;
2. Finance Committee;
3. Health and Human Services and Public Safety Committee;
4. Housing Committee;
5. Legislative/Nominating Committee;
6. Rules and Reports Committee; and
7. Sustainability and Transportation Committee.

Nothing herein shall prevent or prohibit any other Committee from accepting public comment if said Committee determines that it wishes to do so.

Notwithstanding the foregoing, no public comment shall be required on the following items: informational reports or communications from boards and commissions, staff or other organizations or entities; and administrative action implementing prior Committee action where that prior action had permitted public comment.

**Rule 37. Smoking at Meetings**

No person shall smoke or vape in the Council Chamber or at any public meeting in the Portland City Hall. Any person continuing to smoke or vape after warning by the Presiding

Officer shall be ejected for the remainder of the meeting then in progress.

**Rule 38. Confidentiality**

No Councilor shall intentionally disclose or discuss information known to be confidential to or with any person not otherwise authorized or privileged to receive that information, including representatives of the media. For the purpose of this rule, "information known to be confidential" includes information in any form that has been designated, to the knowledge of the Councilor, as confidential by an employee or agent of the City of Portland, and that is within one or more of the exceptions to the definition of "public record" in the State's Freedom of Access law.

Confidential information includes statements made by individuals participating in executive sessions and includes any documents prepared specifically for an executive session, unless otherwise designated by the City Council in cases where the Council has the exclusive right to waive confidentiality.

Any Councilor who, following a due process hearing, is found to have violated this rule may be disciplined by reprimand.

# MAINE'S LEGISLATIVE PROCESS



For a detailed version of the legislative process, see *Path of Legislation in Maine*.

## MAINE'S PATH OF LEGISLATION

### **IDEA DEVELOPED**

**A legislator decides to sponsor a bill, sometimes at the suggestion of a constituent, interest group, public official or the Governor. The legislator may ask other legislators in either chamber to join as co-sponsors.**

While the Maine legislator performs a number of different tasks, the legislative function is essentially that of proposing, considering and enacting laws. Each year, Maine's legislators consider hundreds of ideas for state laws.

The process by which an idea becomes a law is a complicated one, involving many steps. It is designed to prevent hasty or uninformed decisions on matters that can affect the lives of every Maine citizen. Although the process may seem confusing at first, rules and procedures clearly define the steps that apply to every bill.

### **BILL DRAFTED**

**At the legislator's direction, the Revisor's Office, Office of Policy and Legal Analysis, and Office of Fiscal and Program Review staff provides research and drafting assistance and prepare the bill in proper technical form.**

Ideas for bills come from many different sources: legislators, committees, study groups, lobbyists, public interest groups, municipal officials, the Governor, state agencies and individual citizens.

In some cases, the person or group requesting the legislation may have already drafted the bill. In most cases, however, the legislator turns to a legislative staff office to draft the bill. All legislation, regardless of where initially drafted, is processed and prepared for introduction by nonpartisan legislative staff in accordance with standards established by the Revisor of Statutes.

During the First Regular Session of the Legislature, there are no formal limitations on the bills that may be submitted prior to cloture. The Second Regular Session of the Legislature is limited by the Constitution to budgetary matters, the Governor's legislation, legislation of an emergency nature approved by the Legislative Council, legislation submitted pursuant to authorized studies, and legislation submitted by direct initiative petition of the electors.

The Joint Rules establish cloture deadlines for submission of state agency and legislator-sponsored bills during the First Regular Session. The Joint Rules also authorize the Legislative Council to establish deadlines and procedures for introduction of bills to the Second Regular Session or any special session.

Bill Sponsors: Bills have one prime sponsor and may have an unlimited number of cosponsors. A bill's chances of passage is often improved by having many cosponsors, especially when cosponsors include members of both houses, members of both political parties or member of key committees.

In addition to introducing their own legislation, legislators also act as sponsors for bills proposed by other people or groups. Usually, legislators support bills they sponsor. They may, however, introduce bills "by request" as a service to their constituents when they do not fully support the purpose of the measures. A legislator who wishes a bill to be identified as "by request" should clearly so indicate when filing a bill drafting request.

**Bill Drafting and Signing:** Before formal introduction, the Revisor of Statutes reviews all proposed bills, and either drafts them or edits any initial drafts to make them conform to proper form, style and usage. When a request for a bill is filed, it is assigned a Legislative Reference (LR) number which is used to track the request until it is printed as a Legislative Document (LD).

The Revisor's Office serves as the central registry for all bill requests and administers the cloture deadlines established by the Joint Rules. The Joint Rules provide that bill requests that do not contain enough information or direction to draft a bill are not considered complete and may therefore be voided.

### **BILL INTRODUCED**

The legislator gives the bill to the Clerk of the House or Secretary of the Senate. The bill is numbered, a suggested committee recommendation is made and the bill is printed. The bill is placed on the respective body's calendar.

After processing by the Revisor's Office, a bill must be signed by the sponsor and any cosponsors. The Joint Rules require the sponsor and cosponsors to sign the bill or provide changes within deadlines established by the presiding officers. The signed bill draft is then sent up for printing to the Secretary of the Senate or Clerk of the House, depending on whether the presenter (usually the prime sponsor) is a Senator or Representative.

**Reference to Committee:** The Secretary and Clerk suggest the committee of reference, assign the bill a Senate or House Paper number and L.D. number, and place it on the next Calendar for consideration in that legislative body. Bills are usually identified and referred to throughout the rest of the session by their L.D. numbers.

When the Secretary and Clerk disagree on the committee of reference, they refer the matter to the President and the Speaker; if the latter disagree, the Legislative Council resolves the question.

When the Legislature is in recess, the Secretary and Clerk, pursuant to the Joint Rules, refer bills and order them printed. No floor action is required. A notice of the action appears in the House and Senate Calendars.

The suggested reference is made to the committee that seems most appropriate based on the bill's subject matter. For example, most bills that deal with farming are reviewed by the Agriculture, Conservation and Forestry Committee. However, a bill making tax changes for farmers could be referred to either the Agriculture, Conservation and Forestry Committee or the Taxation Committee.

On occasion, a special committee is temporarily established to consider a bill or bills which cut across committee jurisdictional lines. Occasionally, two committees will jointly work a bill which crosses jurisdictional lines. Usually, this is an agreement worked out between the committees with the committee to whom the bill was actually referred including the other committee in its deliberations.

### COMMITTEE REFERENCE

The bill is referred to one of the Joint Standing or Joint Select committees in the originating branch and then sent to the other body for concurrence.

The vote on reference is the first floor vote taken on a bill. In most cases, approval of the suggested committee reference is a matter of form. Occasionally, the reference is debated and the House and Senate may vote against the suggested reference and refer the bill to a different committee. If the House and Senate cannot agree on which committee will hear the bill, that piece of legislation can go no further in the process.

In a few circumstances, a bill may be engrossed without reference to a committee under suspension of the Joint Rules by a 2/3 vote taken by a division. That means that the bill goes directly to the floor of the appropriate body for discussion and action. Engrossing without reference usually occurs when the bill is of an emergency nature and the time to go through the public hearing process is not available.

Form of a Bill: There are a number of different types of House and Senate Papers, designed for different purposes. Among these are bills, expressions of legislative sentiment, memorials, orders and resolutions. The discussion here focuses primarily on the particular form of paper called a "bill." Unlike other papers, a bill, if enacted, becomes a state law. The legislative process is primarily concerned with the drafting, consideration and enactment of bills.

Every bill has certain basic components, in addition to the House or Senate and L.D. numbers. These include the number of the legislative session, the date of introduction, the name of the committee suggested for reference, the sponsor and any cosponsors, the title, the text and the statement of fact.

In the text, any existing statutory language proposed to be repealed is crossed out and all new language is underlined. When a bill repeals and replaces existing statute, or creates an entirely new statute, all of the text is underlined.

Following the text of the bill is the Statement of Fact, a plain English explanation of the content of the bill which is prepared by the Revisor's Office.

## COMMITTEE ACTION

When scheduled by the chairs, the committee conducts a public hearing where it accepts testimony supporting and opposing the proposed legislation from any interested party. Notices of public hearings are printed in newspapers with statewide distribution. Public hearing schedules are posted weekly, during session, on this web site (See Calendar of Events).

Virtually all bills are reviewed, analyzed and discussed by one or more legislative committees before they are considered on their merits by the full Legislature. Bills are referred to committees by both houses, receive a public hearing, are worked on in committee work sessions, and are given a recommendation, or "report," by the committee to the whole Legislature.

The Joint Rules authorize 17 Joint Standing Committees, each consisting of no more than 3 members of the Senate and 10 House members. The President of the Senate and Speaker of the House appoint all committee members and committee chairs. Each committee has a House Chair and a Senate Chair.

Each Committee is assigned a legislative analyst from the Office of Policy and Legal Analysis or the Office of Fiscal and Program Review by the respective office directors. The analyst provides nonpartisan staff services to all committee members. Each committee also has a committee clerk who is responsible for maintaining official records of the committee and for providing general clerical and administrative support.

**Bill Distribution:** Once the committee of reference has been suggested and the bill has been printed, it is distributed to members of the Legislature and to all town and city clerks. Bills are available to the public through the Legislative Document Room (Room 315 - State House). The Clerk of the House provides copies of all bills through a subscription service for which a fee is charged. The legislature also offers a phone-computer information service known as the Legislative Information Network (LINK). Subscribers to LINK have access to, among other things, the text of bills and amendments and committee public hearing and work session schedules. Contact the Executive Director of the Legislative Council if you have questions concerning LINK.

**Public Hearing:** The next step is a public hearing, usually held within the State House or State Office Building. After the House and Senate chairs of each committee set the date and place for public hearings, notices are placed in advance in Maine's major newspapers and in the weekly Advanced Notice of Public Hearing schedule available at the State House.

The public hearing, presided over by a committee chair, allows legislative sponsors to explain the purpose of the bill and citizens, state officials and lobbyists to tell committee members their views on a bill.

Customarily, the bill's sponsor testifies first, followed by any cosponsors and other proponents. Opponents testify next, and finally, those persons who would like to comment on the bill but not as an opponent or proponent. At the conclusion of a person's testimony, committee members may ask questions. The committee's formal action on a bill comes later at what is called a work session.

**Work Session:** The purpose of work sessions is to allow committee members to discuss bills thoroughly and vote on the committee's recommendation, or report, to the Legislature. The committee works with the legislative analyst to draft amendments or review amendments proposed by others. Some bills require several work sessions.

Work sessions are open to the public and, at the invitation of the committee, department representatives, lobbyists and others may address the committee about bills being considered, suggest compromises or amendments, and answer questions. The committee may also ask its legislative analyst to research and explain certain details of the bill.

Amendments are suggested changes to the bill, which may clarify, restrict, expand or correct it. At times, revisions are so extensive that the entire substance of the bill is changed by the amendment. On rare occasions, extensive revision of the bill may take the form of a new draft, rather than an amendment. A new draft is printed as an L.D. with a new number. Authorization of the President and Speaker is required to prepare a new draft.

**Committee Report:** The committee's decisions on bills and amendments are expressed by votes on motions made during a work session; the final action is called a "committee report." The report a bill receives is often the most important influence on its passage or defeat. Several types of unanimous and divided reports on a bill are possible.

A unanimous report means all committee members agree. Possible unanimous committee reports are: 'ought to pass,' 'ought to pass as amended,' 'ought to pass in new draft,' 'ought not to pass,' and 'referral to another committee.'

If committee members disagree about a bill, they may issue a divided report, which usually includes majority and minority reports on the bill. Example: a majority 'ought not to pass' report and a minority report of 'ought to pass as amended.' A less frequent situation occurs when there are more than 2 reports. Example: 6 members vote for 'Report A,' 'ought to pass,' 5 members vote for 'Report B,' 'ought not to pass,' and 2 members vote for 'Report C,' 'ought to pass as amended.'

If an 'ought not to pass' report is unanimous, the bill is placed in the legislative file and the letter from the committee chairs conveying this report appears on the House and Senate Calendars. When that occurs, no further action may be taken by the Legislature unless a Joint Order recalling the bill from the file is approved by 2/3 of the members of both houses voting in favor of recall. If they do, the bill is considered.

Unless the committee report is a unanimous 'ought not to pass,' a legislator may move, at the appropriate time during floor debate, to substitute the bill for the report. A majority vote is required for the motion to proceed.

Prior to reporting out a bill, the committee must determine whether the bill will increase or decrease state revenues or expenditures as well as whether the bill constitutes a State Mandate under the Maine Constitution. The Office of Fiscal and Program Review makes the determination of whether the bill will have a fiscal impact. If it does, the office has the responsibility for

producing a fiscal note, which describes the fiscal impact. If the bill constitutes a State Mandate, this fact is also noted in the fiscal note. If the bill does have a fiscal impact, the committee must amend the bill to add the fiscal note. Any necessary appropriation or allocation is also added by committee amendment.

## **GENERAL ORDER**

**When the bill is reported to the floor it receives its first reading and any committee amendments are adopted at this time. The committee reports the bill to the originating body as is, with amendment, with a divided report or with a unanimous recommendation of Ought Not to Pass.**

To be enacted, bills must pass through at least four steps on the floor of both the House and Senate: first reading, second reading, engrossment and enactment. An understanding of the Senate, House and Joint Rules is essential to follow and influence a bill's progress on the floors.

Once a bill is reported out by a committee, it is returned to the house in which it originated. If there is a new draft or committee amendment reported by the committee, it is drafted by the committee's legislative analyst, prepared by the Revisor's Office and submitted to the Clerk or Secretary for printing and distribution. The Clerk or Secretary places the title of the bill and the committee report on the Calendar.

The first time the bill, as reported by the committee, is placed on the Calendar, the body votes to accept or reject the committee report or one of the reports if the committee was divided.

If an 'ought to pass' report is accepted in either chamber, the bill receives its first reading by the Clerk or Secretary. Since legislators have copies of the printed bills and committee amendments, a motion is usually made to dispense with a complete reading. After first reading, the bill is assigned for a time for a second reading, which is usually the next day.

If the bill has received a unanimous 'ought to pass' or 'ought to pass as amended' committee report, the House of Representatives uses the "Consent Calendar," which allows bills with that report to be listed and to be engrossed for passage after they have appeared there for 2 legislative days, provided there is no objection. However, on the objection of any member, a bill can be removed from the Consent Calendar and debated. Bills which would cause a gain or loss of public revenues cannot be placed on the Consent Calendar. There is not Consent Calendar in the Senate.

A legislator who wishes to delay a bill at any step of the process to get more information, or for other reasons, may make a motion to "table" the bill until the next day or some other time. A legislator who strongly opposes a bill may make a motion for 'indefinite postponement.' If the motion to indefinitely postpone is approved, the bill is defeated. These motions require approval by majority vote in both bodies to succeed.

## SECOND READING

**The next legislative day the bill is given its second reading and floor amendments may be offered. When one chamber has passed the bill to be engrossed, it is sent to the other body for its consideration. The House has a consent calendar for unanimous Ought to Pass or Ought to Pass as amended bills which takes the place of First and Second readings.**

A bill may be debated on its merits at several points in the process. The debate may appear uncontrolled to those looking on, but frequently a debating sequence has been arranged. Usually, the chairman of the committee to which the bill was referred speaks first in favor of the committee report, or to answer questions, followed by other committee members who support the bill and by the sponsor. Members indicate to the Speaker or the President that they wish to speak by pressing the electronic switch at their desk or rising in their place. The presiding officers decide whom to recognize and keep track of how many times a legislator has spoken on a particular issue, whether on the main motion, or on a subordinate one.

During floor debate, members communicate with each other by sending messages delivered by pages, or by moving to the back of the chamber to discuss strategy.

**Voting:** At any point, a legislator or the presiding officer may call for a vote on the current motion on the bill. The vote may be a voice vote, or a vote 'under the hammer,' where approval is presumed unless an objection is raised before the presiding officer bangs the gavel. Two other types of votes are a 'division' and a 'roll call.' For a division, only the total number of votes cast for and against the motion is recorded. For a roll call vote, the members' names and how they voted are recorded. Any member may request a roll call which requires the support of 1/5 of the members present.

A roll call vote is signaled by the ringing of bells and members are given a few minutes to return to their seats. The Sergeant-At-Arms is ordered to secure the chamber and no one is permitted to leave until the vote is recorded. In the House, members vote in a division or roll call by pushing a button at their desks; the results are displayed on two large boards on the front walls. In the Senate, members rise to be counted for a division. When there is a roll call, the Secretary calls the names of the Senators in alphabetical order, and each Senator answers either "Yes" or "No."

The Maine Legislature records and transcribes all the remarks which are made on the record. A complete account of all the arguments made on bills is available in the Legislative Record, which is generally available within a few days of the debate. Legislative records for the session will be posted on the web site as they become available (See Bill Info).

**Floor Amendments:** Floor amendments to a bill may be offered by House and Senate members at appropriate times during floor debate. Requests for floor amendments should be filed with the Revisor's Office with as much lead time as possible. Floor amendments must be presented to the Clerk or Secretary, numbered, printed, and distributed to members before they may be offered on the floor. If an amendment affects an appropriation in any way or causes an increase or decrease in state revenues, it must also include an amended appropriation or fiscal note.

## APPROPRIATIONS TABLE

Bills which affect state revenues or expenditures fall into a special category. Once bills that affect the General Fund or Highway Fund have been passed to be engrossed in the Senate, and enacted in the House, they are assigned in the Senate to the Special Appropriations Table (if they involve the General Fund) or to the Special Highway Table (if they involve the Highway Fund). They are listed on the Senate Calendar and are held in the Senate for consideration late in the session.

At the end of the session, after the budget bills have been reported out by the Appropriations Committee, and usually after the budget bills have been enacted, the Appropriations Committee and legislative leadership, having received recommendations from policy committees, review bills on the Special Appropriations Table to determine which can be enacted given available General Fund resources. The Transportation Committee follows similar deliberations for bills on the Special Highway Table, considering available Highway Fund resources.

Following those decisions, motions are made in the Senate, usually by the Senate chairs of the Appropriations and Transportation Committees, to remove bills from the special tables and to enact, amend or indefinitely postpone them. If enacted in the Senate, these bills are sent to the Governor for approval like all other enacted bills. Any of these bills which fail of enactment or require amendment in the Senate are returned to the House for concurrence.