

SUMMARY OF PROPOSALS PRESENTED TO THE JOINT SELECT COMMITTEE ON JOINT RULES

Prepared by staff for August 27, 2024 meeting

Proposals governed by Joint Rules

Topic	Joint Rule or rules	Suggestion for amendment/change	Considerations for Joint Select Committee
Concept drafts	208 with possible reference in 202	Eliminate concept drafts except for budget bills, model acts or compacts.	
		In lieu of concept drafts, permit each committee chair to have one (or more) after deadline LD (to serve as a placeholder) without need of Legislative Council approval.	Should these bills be required to be filed by some date (3 weeks?) before the established deadline for committees to have 100% voted deadline?
	See 208 (may also affect 304 and 308)	<p>Concept drafts must provide substantial information to be printed as LDs.</p> <p>Concept draft may not be scheduled for PH if chairs of committee of reference determine that the summary is insufficient to inform public of proposal (allows PH without an amendment if chairs determine that the summary of concept draft is sufficient for PH).</p> <p>Concept draft may not be scheduled for PH until amendment language is publicly available ## days prior to hearing (no PH without an amendment).</p> <ul style="list-style-type: none"> • Post amendment online prior to PH. 	<p>How would “substantial” be defined/determined?</p> <p>Should some guidance be provided as to sufficiency of information to assist chairs and provide some consistency of application across committees?</p> <ul style="list-style-type: none"> • <i>Sponsor amendments</i> to a concept draft are not yet <i>committee amendments</i> and have not been processed through the formal drafting process (like printed bills and final committee amendments). Currently, the Legislature’s website LD status page includes only formally printed LDs and finally processed amendments. • Committee may want to consider alternative methods to ensure amendments to concept drafts are available to the public when the LD is advertised. • Sponsor’s amendments to concept drafts are generally much less formal and sometimes consist only of bullet points. (It is not possible using the

			<p>current system to link informal drafts on the LD status page. An alternative system/page would need to be developed.)</p> <ul style="list-style-type: none"> • If posted online, sponsors may expect their concept draft amendments to be more thoroughly drafted. • Depending on the number of concept drafts referred to a committee, the requirement to have sponsor’s amendments for all concept drafts written and posted days in advance of a PH may impact staff resources and committee workflow. • Committees will need to provide analysts with guidance regarding balancing priorities of drafting sponsor amendments to concept drafts and preparing for bill analyses on drafted bills and drafting committee amendments. • Should the sponsor of a concept draft be permitted to submit a subsequent/new amendment the day of the PH (a common practice for non-concept draft bills)?
Cloture	202 may require corresponding changes in rules referencing cloture	Eliminate cloture in First Regular Session (and remove requirement to disclose titles of submitted requests)	<ul style="list-style-type: none"> • The publication of the list of bill requests and indexing of those requests (by broad subject) soon after cloture provides information about the anticipated workload of committees (and the Legislature as a whole) for the session against which progress towards deadlines and adjournment can be measured. • JSC on JR may want to consider the impact of cloture elimination on the ability to predict and manage the workflow of a legislative session. • Production offices (primarily ROS) will need guidance from leadership establishing a hierarchy of drafting priorities (budget amendments/committee amendments/floor amendments/newly filed bills). • Could this proposed change result in (too many) bills coming after committees are authorized to meet or just too late in session to be properly considered before adjournment? • Would elimination of cloture be considered in conjunction with another rule change, such a per-legislator bill limit or prohibition to file a bill very closely related to one that was ONTP?
		Establish higher voting threshold for after-deadline bills considered by Legislative Council	Current requirement is 6 votes (in favor) to approve an after-deadline request.

		Secretary and Clerk to suggest committee of reference and consultation with chairs required before Leg Council considers after deadline to determine if committee's bill load could sustain additional referenced LD(s).	Will an after-deadline request contain enough information for the Clerk and Secretary to provide a suggested reference? Currently, suggested reference to a committee of jurisdiction is made upon printing - after a bill is finally drafted and signed by the sponsor.
		Move cloture to a later date in the First Regular Session Establish different cloture deadlines for returning legislators (earlier) and first-time legislators (later).	How would this impact the process of managing duplicate bill policy and bill production generally? Will initial bill drafting overlap with committee/floor amendment production and drafting of the biennial budget amendment (biennial budget begins as a concept draft bill)?
		Apply cloture date to bills introduced by the Governor (including requiring Legislative Council approval for after-deadline submissions).	Would date be dependent on whether the Governor is in a first term or a second term?
Legislation proposed in second session	203	Rules should be more clearly defined to state what constitutes an emergency (to ensure compliance with Article IV, Part 3d, Section 1 of the Maine Constitution).	
Sponsorship and duplicate bills	206	Limit number of cosponsors to maximum of 3. Combine duplicate or closely-related bills and assign a primary sponsor (earliest filing date or earliest filed with sufficient information). Those with duplicate or closely-related requests would be mandatory cosponsors. Offer sponsors of duplicate or closely-related requests opportunity to negotiate by a set deadline.	This limitation would reinstate a previous rule that limited cosponsors and eliminate the option to request authority for additional cosponsors. Currently, 206(2) allows the Legislative Council to establish a policy. Traditionally, this policy has been voluntary, allowing the sponsor of a duplicate or closely-related request to opt out of being a mandatory cosponsor. A proposal that includes a mandatory cosponsor requirement may benefit from guidance (to staff and members) as to what constitutes "duplicate or closely related" requests.

			Is the allocation of staff resources required for identifying duplicates and closely-related bills sufficiently offset by the potential to reduce the number of bills printed?
Bill limits		<p>Establish a limit on the number of bills for which any one legislator is the primary sponsor.</p> <p>Allow for bills beyond the limit only with the approval of the Legislative Council.</p>	<p>Various methods of determining a bill limit per legislator have been proposed.</p> <p>If such a proposal results in overall fewer bills per session:</p> <ul style="list-style-type: none"> • What impact would this have on the time by which bills are referred to committee and the amount of time committees will have to spend on proposals? Will implementation of bill limits allow consideration of legislation to be more thorough/comprehensive in committee? • What impact would a reduced number of bills have on the overall time demands of a legislative session?
Requirements for drafting	208	<p>Clarify that an LR filed without sufficient information to draft bill is <u>automatically void</u> (after sufficient notice).</p> <p>Require legislation proposing to recodify (with or without substantive revisions) a title or significant portion of a title to include language directing LC staff to work with requestor over sufficient time period necessary for accurate completion. These requests would be placed on the study table (due to impact on LC staff resources – see rule 353(10))</p> <p>In addition to budgets (currently in rule), provide that that model or uniform acts be printed in concept form and that the bill includes a link to the proposed text of the model or uniform act.</p>	<p>Currently, the rule requires ROS to provide 5 days’ notice (or another period as specified by the presiding officers) to sponsors that bills filed without sufficient information (provided to ROS by that time) “will be denied.”</p> <p>Recodifications and substantive revisions require significant staff resources and time to complete.</p> <p>Providing a link to the model or uniform act, like the hyperlink to budget document proposals presented by the Governor, provides the public with necessary information about the proposal.</p>
Joint Resolutions	213-A	Establish that a Joint Resolution recognizing a person, event, entity,	Currently, under guidelines established by the Presiding Officers, Joint Resolutions that recognize a person, event, disease, etc., are subject to

		disease, etc., does not require approval of the presiding officers	approval by the Presiding Officers. This proposal would remove that pre-approval requirement. If approval requirement is removed, should such Joint Resolutions be subject to some filing deadline or cloture date?
Joint Resolutions (memorials)	214	Remove requirement that a Joint Resolution memorializing ##### must be approved by a majority vote of the Legislative Council	Should Joint Resolutions be subject to some filing deadline or cloture date?
Calling a US Constitutional Convention	215	Reduce threshold vote to request the calling of a convention from 2/3 to majority of members present.	
Joint Standing Committees	301	Establish a Joint Standing Committee on Housing	A net gain in the overall number of joint standing committees could create a strain on available space for committee rooms and chairs offices as well as staff resources. Historically, the demands on legislators themselves has been a factor when determining the overall number of committees. Data regarding committee workloads (# of bills) may be helpful to the committee including consideration of workload adjustment scenarios. (See separate document)
Notice of Public Hearing	305	Adjust advertising to avoid the Wednesday noon deadline 2 weekends prior to PH date. Require a PH to be noticed online and via current email notification system by 5pm on Friday two weekends before the PH date.	Currently, a bill must have been referenced in <u>both bodies</u> before noon on Wednesday, 2 weekends before the PH date in order to make the deadline of the daily newspapers. When a bill is not referred (in committee's possession) by the noon deadline a bill cannot be noticed for PH until the following Wednesday. This can set committee schedules back by 7 days or more and can create inefficiencies such as not hearing bills of a similar subject on the same day. JSC on JR may want to take into consideration the extent to which the public relies on print advertisements for PH (which appear once in a weekend edition).
Referencing of bills	308	Expand ability of Clerk and Secretary to reference bills without a vote in the	Currently 308(2) allows for this when the Legislature is not in session for more than 4 days subject to the approval of the presiding officers.

		chambers to apply when the Legislature is in session	
Notice to Report	309	Provide for some consequence when committees do not report bills out by the established deadline – such as voiding bills that are not reported out. Provide for some limited, one-time extension from the presiding officers.	
Committee Reports	310 (2) and (4) 310 (2) 310 (5)	Eliminate the report of “ought to pass new draft.” Clarify that motions to determine the committee’s report or reports on a bill are not subject to “failure” without a majority. Procedural motions such as “table,” “reconsider,” or “move the question” would fail without a majority. If a member is absent at the time of the committee’s vote on the bill, that member may only offer a new/different minority report if the committee votes to reconsider the bill.	This committee report is no longer used. This could eliminate delays in determining the committee’s report or reports on a bill and allow committee work to move in a more efficient way. If only 12 members are present at the time of the vote and 6 members vote OTP-A and 6 are OTP, the members’ positions would be reported as such. Currently, 310 (2) states that minority reports must be voted at the same time as the majority report on the bill. This procedure is followed by most committees, but there are exceptions and varying practices. Specifying this procedure in the JR will create consistency across committees and may be seen as supporting transparency.
Committee voting hours	310 (5)	Enforce the current rule that no vote on a bill may be taken after 10:30p or before 7:30a unless approved by presiding officers. Eliminate the authority of the presiding officers to waive this restriction	

Fiscal notes	312	Citizen-initiated and legislative referenda with fiscal note referencing only the cost of placement on a ballot and land-transfer legislation should not be referred to the Special Appropriations Table	Does this necessitate an amendment to the Joint Rules or are there alternative ways to address this issue?
Participation in Budget Hearings and Work Session	314 (2)	Membership of a Joint Standing Committee's budget subcommittee should be published in the Advance Journal and Calendar. Ensure that the current rule is followed and that committees (chairs) are well-trained to make this process effective.	The 127 th Legislature made naming a budget subcommittee optional. Prior to that, the subcommittee members were listed in the committee rules of procedure and communicated to the Committee on Appropriations and Financial Affairs. JSC on JR should ensure the language in the JR regarding budget subcommittees is consistent with rule and actual practice (current rule could use some clarification to provide internal consistency and better reflect actual practice) <ul style="list-style-type: none"> • Current rule requires AFA to notify policy committee and subcommittee chairs of deliberation on budget items relevant to that committee and provides that AFA <i>may include</i> subcommittee participation on all subsequent deliberations on those items.
List of priorities (Special Appropriations Table)	314 (7)	Authorize committees to meet for the purposes of determining table priorities. Ensure that AFA initiates and establishes the procedures for submission of table priorities by committees.	Authorization to meet for this purpose eliminates the need to file PO requests seeking authority to meet. The current rule could use some clarification generally and also to align with this proposal. This may provide for greater consistency across committees in terms of how they provide their priorities of bills on the Special Appropriations Table.
Legislative studies	353 (1)	Exclude from the definition of "legislative resources" the mere act of making appointments to a committee. Remove references to "non-legislative study"	Non-legislative study is currently defined as "any group of individuals directed by the legislation to report back to the Legislature on any issue but that is not otherwise a legislative study. Since non-legislative studies are directed by legislation, JSC on JR may want to consider eliminating reference to them in the Joint Rules.

	353 (8)	Provide that legislative study committees or groups authorized by the Legislature may introduce legislation as recommended in the study committee's or group's final report.	Allowing the study committee to introduce legislation may ensure that the proposal referred to committee best reflects the intent of the study committee. Given the deadline for study reports, allowing the study group to introduce legislation will provide information on the potential number of bills (from studies) earlier in the session rather than later. Submitting proposed legislation also provides that an LD is included in the list of a committee's referred bills allowing for better planning and workload management.
	353 (10)	<p>Authorize members of the Legislative Council to request committees provide a list of study table priorities to help inform the study table process.</p> <p>Add reference to proposed change to JR 208 regarding recodification or substantial revisions.</p>	<p>Receiving the committee's priorities for studies reported out of their committees may enhance the efficiency of the study table process.</p> <p>Since staff resources are a consideration when considering bills placed on the study table, bills proposing significant revisions to statute or recodifications should be placed on the table to provide the Legislative Council with a full picture of the demands on staff if the legislation directing the revision or recodification is passed.</p>

Proposals governed by statute

Topic	Statutory cite	Suggestion for amendment/change	Considerations for Joint Select Committee
Date of adjournment and Veto Day	Title 3 §2	<p>Adjust adjournment date.</p> <p>Specify specific hours for adjournment and for veto day (start and end).</p> <p>Describe business authorized to be conducted on veto day.</p>	

Proposals not currently governed by Joint Rule or Statute

Topic		Proposal	Considerations for the Joint Select Committee
Reconsider the entire calendar of the legislative session		Allow for several weeks of briefings and orientations for committees at the beginning of session to be followed by deliberations on the budget and legislation later	

Provide better notice session schedule		Publish, no later than January 15 th , all vacations and holidays on which there will be no session or committee meetings	
Chair training		Enhance chair training and promote consistency of rule application across committees	
Bill limits	Proposed as a new rule	Noted above	
Carry over bills		Prohibit carry over of concept drafts	
Committee Amendment review		<p>Require advance notice of amendment review by committees and access to the text of amendments.</p> <p>Establish a procedure of two votes on committee amendments – first would be the initial vote on the motion (or draft language) describing the amendment. Second vote would occur during amendment review.</p>	<ul style="list-style-type: none"> • The purpose of amendment review members of the committee to ensure that the language of the amendment reflects the report(s) of the committee. • What impact will a specific notice requirement have on chairs’ ability to set a schedule as they determine (based on demands and deadlines)? • JSC on JR may want to consider implications on current laws/rules/policies which govern confidentiality of committee workpapers, which include amendments. Confidentiality policy may need amendments to align with this proposal. • All committee amendments are available online when the bill is reported out of committee. • Later in the session, around deadline for 100% reported out, this requirement could result in delays of bills getting to the floor. <p>Committees may vote on a motion for reconsideration at the time of amendment review (or any time). Requiring a second vote would create additional administrative layer (on paper/in our database/online) which may have a negative impact on efficiency.</p> <p>Staff may be able to offer suggestions to improve and create greater consistency across committees regarding amendment review through internal practices.</p>
Committee Caucuses		Increase transparency of committee deliberation and member positions on bills. Discourage pre-WS caucuses.	

Committee decorum		Ensure that rules require that only elected members may be seated at committee horseshoe during proceedings of the committee or a subcommittee thereof.	
Absences		Provide for more specificity when citing reasons for a members excused absence (House/Senate session)	
Staffing levels		Consider increasing staff levels, particularly in OFPR.	
Code of Ethics		The Legislative Code of Ethics, adopted by the 100 th Legislature and amended by the 127 th should be reviewed for potential updating.	