

**Senate**

Senator Anne Carney, Chair  
Senate President Mattie Daughtry  
Senator Teresa Pierce  
Senator Trey Stewart  
Senator Richard A. Bennett



**House**

Representative Matt Moonen, Chair  
Representative Holly T. Sargent  
House Speaker Ryan D. Fecteau  
Representative Billy Bob Faulkingham  
Representative Katrina J. Smith

State of Maine  
132nd Legislature  
Joint Select Committee  
on Joint Rules

**Staff**

Secretary Darek M. Grant  
Clerk Robert B. Hunt  
Justin Davis

**Meeting Summary**  
**January 6, 2025**

Senate Chair Anne Carney called the meeting of the Joint Select Committee on Joint Rules to order at 9:08 a.m. in Room 334 of the State House.

Those present were:

Senator Anne Carney, Chair  
Senate President Mattie Daughtry  
Senator Theresa Pierce  
Senator Trey Stewart  
Senator Richard Bennett  
Representative Matt Moonen, Chair  
Representative Holly Sargent  
House Speaker Ryan Fecteau  
Representative Billy Bob Faulkingham  
Representative Katrina Smith

There were no absences.

A quorum was present.

The Committee began discussion on the table of proposed changes to the Joint Rules considered by the Joint Rules Committee in the previous Legislature. Senate Chair Carney referenced a tremendous amount of work that went into considering the proposals during the interim since the previous meeting of the former Joint Rules Committee in August.

## Concept Drafts

Senate Chair Carney detailed that the Legislature is currently limited by technology in the ability to post proposed amendments before they are adopted by the respective Committee, but that there is a desire for public access in advance.

Senator Bennett expressed a strong sentiment for eliminating concept drafts entirely, except for model legislation and the budget. He reasoned that, since concept drafts are a relatively recent construct and the Government functioned before they were used, it would be fine to get rid of them and use other tools to reach the same goals.

Senate Chair Carney asked when concept drafts were created?

The non-partisan staff answered that concept drafts were introduced in the 118th Legislature.

House Speaker Fecteau agreed that there are challenges posed by the use of concept drafts, including the proposed language not being publicly available before the public hearing. He also argued that there is a place for concept drafts to allow 'big ideas' to take shape without the constraints of the cloture deadline. He advocated for continuing to allow concept drafts, but to require a notice period in which proposed language needs to be available to the public in advance of the public hearing on the bill.

Representative Faulkingham asked whether the drafting process could allow for a cushion of time after cloture for working out the details of proposed legislation between the sponsor and the Revisor's Office.

Representative Smith suggested that instead of using a concept draft to deal with emergency legislation that comes up later in a session, the appropriate vehicle would be an after-deadline emergency bill to be approved for introduction by Legislative Council.

Ed Charbonneau, Revisor of Statutes, approached the Committee to explain that, although it may seem from the outside that the drafting process takes months, it is already under way and holding bills for later in the process (e.g. concept drafts waiting for more detailed language) would slow the entire process down.

Senate Chair Carney asked what the current drafting requirements are for concept drafts?

Mr. Charbonneau replied that just repeating the title is sufficient for concept drafts, but otherwise a legislative request would need complete information to allow for the final product to be a fully drafted bill.

Representative Faulkingham asked whether it would be easier to just print concept drafts when they are received, and then put the proposal on the back burner until more details are provided by the sponsor?

Mr. Charbonneau identified a distinction between two types of concept drafts: those that are intended to be a placeholder for later action by the Committee, and 'true' concept drafts that are not yet fully fleshed-out proposals.

Senate Chair Carney explained that the impetus for this change was a desire for Members of the Legislature and the greater public to know the intentions behind a concept draft in advance of the public hearing on the bill. She expressed that there should be a more formalized, transparent process for considering concept drafts.

Senate President Daughtry agreed that concept drafts can be useful tools in various situations, but there need to be parameters around making information publicly available, particularly determining a reasonable period of time for making proposed amendments to concept drafts available.

Representative Sargent voiced concern for placing more of a burden on the non-partisan staff as concept drafts are used more frequently. She expressed that drafts should meet a low floor of information on what a bill is intended to do (beyond the title), and that floor is frequently not met.

Senator Bennett distilled the conversation down to two essential questions:

1. Whether we need to have concept drafts at all, since they are usually just a tool to work around the cloture deadline?
2. How do we handle concept drafts if we do allow them?

Representative Smith agreed with Senator Bennett and commented that all legislators are professionals who need to use their time to put the work into fully developing their proposals.

Senator Pierce responded to Senator Bennett's suggestion to eliminate cloture by pointing out that deadlines are important motivation to keep the legislative process moving. She suggested that having an open-ended cloture would lead to many bills being submitted at the end of a session. She emphasized the distinction between the different types of concept drafts that have been identified.

Senator Stewart agreed with Senator Bennett's suggestion to greatly limit the situations where concept drafts are allowed to only model acts and the budget. He reasoned that every bill already goes through a back-and-forth process between the sponsor and the Revisor's Office before it reaches its final form, and there would be no need for concept drafts (as they are commonly used) if each bill is given enough time to percolate through that process. Additionally, he identified mechanisms in both Chambers to slow down the process if it is happening too quickly, and it should be up to the Bodies what should happen in those cases.

He suggested that newly elected Members should get more time to learn their roles, since the Legislature extends that same courtesy to a first-term Governor, but returning Members don't need that grace period once they already have the experience. If all else fails, a Member could always fall back on submitting an after-deadline bill for Legislative Council approval.

Senate President Daughtry asked how often a sponsor requests for a concept draft, versus the Revisor's Office telling them that their proposal will be a concept draft?

Mr. Charbonneau answered that a sponsor must request that a concept draft be made, but the Revisor's Office will suggest that a given proposal should be a concept draft when appropriate.

Senate President Daughtry argued that concept drafts are a useful tool for protecting the interests of the Minority, since they do not need to go through the Legislative Council for approval (unlike after-deadline bills).

Senate Chair Carney expressed that concept drafts are useful tools for Committee Chairs and any other Member who may have specific knowledge about a particular big issue that takes longer to address than cloture allows. She detailed a situation where she used a concept draft to handle a particular emergency situation that otherwise would not have been addressed.

Senator Bennett reasoned that Committee Chairs should be given the capacity to act on such emergent situations in a way that does not depend on concept drafts. He advocated for constricting the use of concept drafts as much as possible if the Committee was not interested in eliminating them entirely.

Representative Sargent pointed out that prior to the previous summer, the Joint Rules Committee had not met for several years and therefore, there is a backlog of concerns for the Committee to address. She suggested identifying the things the Committee should monitor going forward as there is an appetite to make these changes.

Representative Faulkingham asked if the Committee had already discussed the issue of concept drafts being carried over to a subsequent session, since that indicates there is a low desire to act on that proposal?

Senator Bennett replied that the Committee had considered not allowing concept drafts to be carried over. He shared a situation where a concept draft was carried over as a courtesy for a Member, which he suggested was not appropriate despite the good intentions.

Senate Chair Carney mentioned that she had been part of discussions to give Committee Chairs the power to set deadlines for completing concept drafts prior to the end of a session, but she expressed that Chairs need the flexibility to carry over concept drafts in certain situations.

Senator Pierce agreed that carrying over concept drafts should be the exception and not the norm. She suggested that rather than a specific rule change, this issue could be addressed by training the Committee Chairs to be more proactive in setting deadlines.

House Chair Moonen pointed out that Chairs already have the ability to set deadlines for completing concept drafts, so this issue can be solved through Chair training. He returned the Committee's focus to the initial concern regarding a lack of transparency for the public.

Senator Bennett referenced the proposal he made in December 2022 to eliminate concept drafts that was never taken up by the Joint Rules Committee in the previous Legislature. He asked how many concept drafts have been filed so far this session?

Mr. Charbonneau answered that there were around a dozen already, but he expects that number to greatly increase in advance of the cloture deadline on Friday.

Senator Bennett followed up by asking what kinds of concept drafts have been filed out of the previously identified categories?

Mr. Charbonneau replied that most of the concept drafts so far have been the 'legitimate' uses where the legislative intent is clear, but the exact statutory language is still missing.

Senate Chair Carney changed gears to focus on the public availability of proposed language for concept drafts.

Danielle Fox, Director of the Office of Policy and Legal Analysis (OPLA), approached the Committee to discuss the logistical problems with publishing proposed amendments before they are adopted. She emphasized a distinction between concept drafts that are used as a vehicle for a Committee's work versus those that are a specific sponsor's proposal.

Senate Chair Carney asked what is the impact of creating proposed amendments to concept drafts on Committee Analyst resources?

Ms. Fox answered that OPLA's analysts work only on Committee Amendments, not individual sponsors' proposed amendments, but there is a time commitment related to a Committee's work on a concept draft.

Senator Stewart argued that concept drafts allow for kicking the can down the road past any deadlines that get set, and doing so slows down the whole process and overburdens staff. He suggested mitigating the negative consequences or eliminating them entirely.

Ms. Fox responded that not all concept drafts are bad in the way that the Committee is imagining them. She added that there are major technological hurdles to clear for posting unofficial materials (e.g. proposed Committee Amendments) before they are approved and incorporated into the base bill. She explained that in the current bill management system, only official documents that have been drafted by the Revisor's Office and accepted by Committees are posted on the Bill Status page.

House Speaker Fecteau suggested using the public testimony page to post a sponsor's proposed language in advance of a public hearing.

Ms. Fox replied that a sponsor's proposal could go in the public testimony section, but she voiced concern over the logistics, since there is a wide variety in what those proposed amendments would look like and there is a time component to posting materials online. She suggested a requirement that the proposed amendment be already fully drafted before it is posted publicly.

Senator Bennett reflected that proposed amendments, OPLA analyses and other supporting materials were available online when the Legislature was meeting remotely during the pandemic. He asked why that is not still being done?

Ms. Fox responded that the Legislature is back in a paper world now, and there are not enough resources to fully maintain both paper and digital distribution. She stressed that posting materials online is more complicated than simply clicking a button.

Senator Bennett expressed the desire to prioritize digital over paper if only one or the other can be done. He asked why paper is the preferred method for distribution?

Ms. Fox explained that digital platforms require things to be done farther in advance due to added complications. Requiring materials to be posted online would change the timeliness of preparing materials for Committee meetings.

Senate Chair Carney identified loose ends to tie up before taking action regarding concept drafts. She reiterated that a few 'good' concept drafts have already been submitted, and she cautioned against changing the rules on those sponsors.

Senator Bennett asked what the intended outcome of this meeting would be?

Senate Chair Carney answered that the Committee would prepare a consensus Joint Order to amend the Joint Rules in all the ways the Committee expresses a strong desire to do so, and also prepare a separate memo to the Presiding Officers regarding changes to policies and procedures that fall outside the purview of the Joint Rules.

Representative Smith asked what threshold the Joint Order would need to reach for passage?

Senate Chair Carney answered that the Joint Order needs a simple majority to pass, until January 17th when it increases to a 2/3 majority.

House Speaker Fecteau crystallized his proposal into the following: If a bill is printed as a concept draft (excluding budget bills, model acts, and compacts), then the primary sponsor must provide to the Committee a proposed amendment that contains sufficient details to inform the public of the intended effects of the bill in a timely manner, *viz.* at least two business days prior any public hearing; otherwise, the public hearing is cancelled if it had been already scheduled and the bill is given an automatic Ought Not to Pass Report.

Senator Stewart identified areas where Speaker Fecteau's proposal may conflict with other Rules already in effect. He suggested a Committee could suspend the rules to report out a bill as Ought Not to Pass without a public hearing.

Senate President Daughtry suggested the Committee meet again to review the language of the proposed amendment to the Joint Rules, and to reassess any changes before the Second Regular Session.

Senator Bennett advocated for experimenting with changes now, since he believes the Committee would be unlikely to come up with a worse solution than what currently exists.

House Speaker Fecteau asked if there are any other situations where a bill can automatically die without a formal action being taken?

House Clerk Rob Hunt answered that the only situation that currently exists is a sponsor requesting Leave to Withdraw a bill.

Senator Stewart added when the Legislature adjourns without carrying an item over to a subsequent session.

Senator Bennett suggested creating a new Report type to capture concept drafts that are automatically killed.

House Speaker Fecteau specified that the 48-hour window for posting materials online excludes the time necessary for staff to actually post something online.

Senator Stewart expressed concern with the impossibility for nonpartisan staff to implement a short timeline for posting materials, which he feared would divert analyst time and attention away from their many other responsibilities.

Suzanne Gresser, Executive Director of the Legislative Council, pointed out that some concept drafts are filed with sufficient information to inform the public of their intent. She cautioned against increasing the threshold only for those that don't, creating different drafting standards for the two different tiers of concept drafts.

Senate Chair Carney suggested that the Presiding Officers should set a date (or allow Committee Chairs to set a date) by which all public hearings (including those for concept drafts) must be finished, thereby setting the same standard for all bills.

Ms. Gresser highlighted the distinction between the expectation that bills be fully drafted, in comparison to a different threshold at which there is sufficient information to inform the public of the intent of a concept draft bill.

Senator Bennett asked who the appropriate authority would be to determine whether there is sufficient information to draft a bill instead of a concept draft?

Ms. Gresser answered that it would be the Revisor's Office, since they do all bill intake already. She explained that if this Committee decided to set the threshold for some concept drafts as sufficient information to inform the public, then the Committee Chairs would be the ones making that decision, and it would not require the proposed language to be a fully drafted amendment.

Senator Bennett opposed creating two tiers of concept drafts, advocating instead to simply reject any egregiously vague concept drafts.

Senator Stewart expressed the belief that sponsors should be able to give at least a bullet point of their intent behind a concept draft, which would need to be fully fleshed out in advance of a public hearing.

House Speaker Fecteau advocated against allowing just a few bullet points to be sufficient for a public hearing. He suggested that a concept draft ought to have some specific, fully drafted statutory proposal to discuss at a public hearing.

Senate President Daughtry asked why concept drafts were created?

Ms. Gresser explained that a 1990 study on the legislative process by KPMG determined that many bills were lost to an inefficient process, and it recommended creating concept drafts to improve that process. It also recommended reducing the number of Committees and restructuring the bill drafting process to center on the Revisor's Office. Many of the study's suggestions (as well as those of other studies) were considered and implemented by a Joint Select Committee on Concept Drafting, but not entirely in the way they were intended, and the use of concept drafts it envisions is quite different from what is done in practice today. The study had the underlying assumption that the ultimate goal was to ensure that every bill gets a public hearing, although that comes at the expense of other goals, including clear ownership of a piece of legislation by a specific sponsor or cosponsors.



Representative Smith reflected that concept drafts are very different now from their original conception, which did not account for concept drafts that consist of just a title.

Representative Faulkingham suggested amending Speaker Fecteau's proposal to make sure sponsors are aware of the time constraints for publishing proposed language, and establishing a second, earlier deadline for a sponsor to submit their proposed language to be posted online. He asked how much time that would require?

Ms. Fox responded that the time would depend on the specific proposal.

House Speaker Fecteau clarified that he assumed the language would already be drafted and ready to publish before the 48-hour deadline was applicable.

Ms. Fox replied that in that case, as long as OPLA had the documents by noon the day before the deadline, there would be enough time to process them.

Senator Pierce suggested specifying that the deadline requires full drafting of the statutory proposal. She further argued that two days was an absolute minimum.

Senate President Daughtry advocated for establishing a floor in the Joint Rules, and then allowing the individual Committees to set higher ceilings if they desire. She also suggested clarifying that Committee Chairs would have the authority to go back to bill sponsors to inform them that their proposal is not sufficient for a public hearing.

Senator Bennett asked where specifically a proposed amendment would be posted?

House Speaker Fecteau answered it would be posted with the testimony submitted to the Committee, probably with a flag indicating it is the Sponsor's proposed Amendment.

Senator Bennett voiced concern that since concept drafts can be overly vague, two days may not be enough time for interested parties to know whether or not they are even interested in a particular bill. He advocated for setting a deadline further in advance of the public hearing.

Ms. Fox pointed out that the testimony page is created as soon as the bill is advertised for a public hearing, so the proposed amendment could be available well before the deadline.

Representative Sargent recommended clearly defining for Members what counts as sufficient information for a bill to advance to the public hearing.

Representative Smith voiced discomfort around using vague terms to define the timeline, drafting standards, and other details of the process.

Senate Chair Carney reminded the Committee that they would only be holding a straw vote today, with more concrete language to be drafted and voted on next meeting.

House Speaker Fecteau crystallized a rule for Committees to establish deadlines by which concept drafts need to be completed and considered.

Senator Bennett indicated he would vote for the two-day limit, although he would prefer the deadline to be further in advance of the public hearing.

House Chair Moonen suggested that the cancellation of the public hearing if a concept draft does not meet the deadline should be automatic, instead of needing the permission of the Presiding Officers under the current Rules.

Mr. Charbonneau warned that not every bill contains statutory changes, so the amended Joint Rule should not use exact statutory language as the threshold for completeness.

House Speaker Fecteau modified his suggested rule change to require sufficient information for drafting, as determined by the Revisor's Office, instead of statutory language.

Mr. Charbonneau voiced concern regarding the additional strain such a requirement could place on the drafting process as it currently exists in the Revisor's Office and OPLA. He posited that, since there are a limited number of revisions a bill is allowed to have, Speaker Fecteau's proposal would make concept drafts more appealing by giving sponsors more opportunities to workshop their bill before it is finalized.

Senate Chair Carney stated the Committee had a clear idea of what should be changed, but the disagreement exists over the precise standards for drafting. She suggested taking a straw poll on the proposal in general, and then ask the non-partisan staff to create a more specific and workable solution for the Joint Order.

House Speaker Fecteau disagreed with Mr. Charbonneau's conjecture that his proposed change would make every legislator choose to file a concept draft instead of a regular bill. He suggested that the chance of a concept draft being killed if it isn't complete in time would be a sufficient deterrent to limit its use.

Representative Faulkingham agreed that this was a fluid conversation and there are many issues the Committee needs to address. He voiced gratitude that the Committee was attempting to make changes after many years, and indicated he intends to support Speaker Fecteau's proposal.

**The Committee took a straw vote to gauge support for the proposal made by Speaker Fecteau. With 9 votes in favor and 1 opposed, the Committee indicated strong support for the proposal.**

Senator Bennett proposed eliminating concept drafts entirely, except for model legislation and the budget. He suggested legislators find other remedies for situations in which they currently use concept drafts.

Senate President Daughtry expressed worry about voting on competing proposals. She suggested revisiting Senator Bennett's proposal for the next regular session.

Senator Bennett asked to still conduct a straw vote on his proposal in order to gauge interest on eliminating concept drafts.

Representative Faulkingham seconded Senator Bennett's proposal.

Senate Chair Carney voiced appreciation for the sentiment behind Senator Bennett's proposal.

Senate President Daughtry advocated for limiting the scope of concept drafts for now, and then returning to see the results and take subsequent action if needed.

**The Committee took a straw vote to gauge support for the proposal made by Senator Bennett. With 4 votes in favor and 6 opposed, the Committee did not indicate support for the proposal.**

Senator Bennett referred back to a previous suggestion regarding a Committee's action on concept drafts, and whether that decision should be made at the Committee level. He suggested that those actions should be standardized across Committees.

House Chair Moonen suggested that Senator Bennett's question could be addressed by standardizing the handling of concept drafts in the model Committee Rules set forth by the Presiding Officers.

### Cloture

Because the cloture deadline is this Friday and any changes the Committee makes would not take effect until after that date, the Committee deferred action on this topic until a subsequent meeting later in the session.

## Legislation proposed in the Second Regular Session

Senator Stewart asked whether it is the intention of the Committee to meet regularly throughout this session of the Legislature?

Senate Chair Carney answered that the Committee would meet again later this week to vote on the Joint Order containing the recommended changes to the Joint Rules and a memo to the Presiding Officers making recommendations that fall outside the scope of the Joint Rules, and then at least one meeting later in the session to check in on the changes and make subsequent recommendations.

The Committee chose to revisit this topic at a later date.

## Sponsorship and Duplicate Bills

Senate Chair Daughtry informed the Committee that this concern had already been addressed by the Legislative Council.

Senator Bennett asked how it had been addressed?

House Speaker Fecteau answered that the Legislative Council voted to remove the requirement to combine duplicate bills to give more flexibility to the drafting process, and to relax the privacy requirements to allow discussions around combining similar bills.

## Bill Limits

The Committee took no action on this proposal.

## Requirements for Drafting

House Chair Moonen indicated interest in the changes related to requiring recodifications to be placed on the Special Study Table, since they can require a large amount of time and resources from the non-partisan offices.

Senate Chair Carney asked if now was the appropriate time to address this issue?

House Chair Moonen responded that it would be ideal to make any changes before the Special Study Table is created.

**The Committee took a straw vote to gauge support for the proposal to require recodifications to be placed on the Special Study Table. With 10 votes in favor and none opposed, the Committee showed unanimous support for the proposal.**

House Chair Moonen also indicated support for the recommendation to print model or uniform acts as concept drafts, since their exact contents can be found in other places.

**The Committee took a straw vote to gauge support for the proposal to print uniform and model acts as concept drafts. With 10 votes in favor and none opposed, the Committee showed unanimous support for the proposal.**

### Joint Resolutions and Memorials

Senator Bennett argued that it is a valuable messaging tool for legislators to memorialize Congress on important issues. He expressed frustration that he had made a proposal before the cloture deadline in the 131st Legislature that was still shot down by the Legislative Council.

House Chair Moonen voiced concern that Senator Bennett's proposal would lead to more memorials to be filed, which would increase the required drafting time. He also suggested that since Congress never acts on memorials they receive, the Legislature should spend their time on more important matters.

House Speaker Fecteau agreed that memorials are not a good use of time on the House Floor when the Legislature has other priorities to act on.

Senator Bennett responded that if memorials are a waste of time, then they should be eliminated entirely, but if they are a legitimate legislative instrument, they should be treated equally to all others and not subject to an added requirement of Legislative Council approval.

Senator Stewart speculated that this rule change would only result in a dozen or so additional documents to draft, but it would increase the opportunity for the Minority to act on important issues without requiring the consent of the Presiding Officers and the Majority.

House Chair Moonen asked how many memorials are typically filed in a session, and how many the Revisor has received so far this year?

Mr. Charbonneau answered around 50, with only a couple filed so far this session.

**The Committee took a straw vote to gauge support for Senator Bennett's proposal. With 4 votes in favor and 6 opposed, the Committee did not indicate support for the proposal.**

## Constitutional Conventions

Senator Bennett specified that his proposal relates to requests to convene a Constitutional Convention under Article V of the United States Constitution, instead of the various other avenues through which the Constitution could be amended. He reiterated his case for this proposal as he detailed at meetings during the previous Legislature.

Senate President Daughtry expressed discomfort with Senator Bennett's proposal. She argued that Maine has the same 2/3 vote requirement to modify the Constitution of the State of Maine, so the Constitution of the United States should be held to the same standard.

Senator Bennett responded that the Legislature does not require a supermajority to take up a question of a Constitutional Amendment (just to pass it), so the 2/3 requirement to pass a request for an Article V Convention is not equivalent.

Representative Faulkingham agreed with Senator Bennett that the 2/3 requirement is too high a bar, which stops the conversation around Constitutional Amendments before it can begin.

**The Committee took a straw vote to gauge support for Senator Bennett's proposal. With 3 votes in favor and 7 opposed, the Committee did not indicate support for the proposal.**

## Joint Standing Committees

This proposal was already implemented with the creation of the Joint Standing Committee on Housing and Economic Development.

## Notice of Public Hearing

Senate Chair Carney said this issue was already addressed.

Senator Bennett disagreed that this issue was addressed. He pointed out that Joint Rule 305 only requires the advertising of public hearings in the newspapers. He suggested that the public does not get its information from newspapers anymore, so this requirement should be eliminated in deference to posting on the Legislature's website.

Senate President Daughtry agreed that there should be a greater focus on making information available on the Legislature's website, but there are still many people in the State that rely on traditional media for their information, so the newspaper requirement should not be eliminated entirely.

**The Committee took a straw vote to gauge support for the proposal to reduce the two-weekend requirement for advertising public hearings and to allow for digital advertising on the Legislature's website. With 10 votes in favor and none opposed, the Committee showed unanimous support for the proposal.**

### Referencing of Bills

House Speaker Fecteau reflected that the Secretary of the Senate and the Clerk of the House were granted a wider scope to refer bills in the 130th Legislature (during the Covid pandemic), with a mechanism for the Chairs and Leads of a Committee to overturn a suggested reference if needed. He concluded that the system worked well then and should be brought back.

Senator Bennett agreed with Speaker Fecteau's insights, but suggested going further in specifying a 'safety valve' for the sponsor of a bill to overturn a Committee reference if desired.

House Speaker Fecteau agreed with Senator Bennett in concept, but he argued that the informal process in the 130th where the sponsor would go to the Committee Chairs and Leads to overturn the reference was satisfactory.

Senator Stewart asked how to mitigate the log jam that occurs in the referencing process?

Clerk Hunt answered that the process laid out in Joint Rule 308.2 should be clarified.

Senate President Daughtry agreed that the process from the 130th Legislature worked well and that this proposal should be supported.

Representative Faulkingham agreed that the current process for referencing bills is inefficient, and that the Clerk and Secretary have a strong track record of referencing bills.

Senator Bennett asked what the exact proposal is?

House Speaker Fecteau answered that the proposal is to eliminate the requirement that the Legislature be out of session for four days before the Clerk and Secretary are allowed to refer bills pursuant to Joint Rule 308.2.

Clerk Hunt clarified that the current Joint Rule specifies that the Clerk and Secretary can only refer bills with the permission of the Presiding Officers.

House Speaker Fecteau suggested that the Joint Rule should not allow the Clerk and Secretary to reference bills on a day where the Legislature is in session.

Clerk Hunt responded that there needs to be a clear demarcation of when the Clerk and Secretary are and are not allowed to reference bills, in order to focus staff resources on building a Calendar and the other tasks that go into preparing for a session day.

Senator Bennett advocated for a single process to reference bills whether or not the Legislature is in session. He suggested completely rewriting Joint Rules 308.1 and 308.2 to accomplish this goal.

**The Committee took a straw vote to gauge support for the proposal to remove the requirement that the Legislature be out of session for four days before the Clerk and Secretary can reference bills pursuant to Joint Rule 308.2. With 10 votes in favor and none opposed, the Committee showed unanimous support for the proposal.**

### Notice to Report

House Speaker Fecteau asked whether Joint Rule 304 requires the approval of Presiding Officers for changes to model Committee rules, or simply notification of the changes. He suggested specifying that the Presiding Officers need to approve any changes.

**The Committee took a straw vote to gauge support for Speaker Fecteau's proposal. With 10 votes in favor and none opposed, the Committee showed unanimous support for the proposal.**

### Deadline to Report Out Bills

The Committee took no action on this proposal.

### Committee Reports

Ms. Fox suggested that instead of eliminating the "Ought to Pass in New Draft" Report type, the spot should be reserved if the Committee chooses to make a new Report type for concept drafts that are automatically voided, as discussed earlier.

Clerk Hunt detailed the technological limitations to making any changes to the types of Committee Reports, since the backend software is outdated and very hard to modify.

House Speaker Fecteau suggested specifying that concept drafts that do not meet requirements for full drafting can only get voted out Ought Not to Pass, to avoid a situation where one Member of the Committee disagrees and creates a Divided Report on a concept draft.



Senator Stewart said that concept drafts do not need their own Report type, and a unanimous Ought Not to Pass Report is sufficient.

Clerk Hunt pointed out that the definition of Ought Not to Pass Reports is already a bit nebulous, since a similar situation already exists where a Committee is authorized to report out a bill but a majority of the Committee chooses not to do so (recorded as unanimous ONTP even if some Members do vote to report the bill out, since "Ought Not to Report Out" does not exist).

Representative Faulkingham voiced hesitation to force a Committee to vote a certain way on a concept draft.

Senator Bennett identified that the Committee seemed to be working towards an automatic provision for killing concept drafts, and just needs to work out the details of that provision.

Senate Chair Carney specified that the Ought Not to Pass result for concept drafts should be non-discretionary.

Clerk Hunt suggested rolling this change into the new requirement for 48-hour public notice, so that if the deadline for proposed language is not met, the bill is automatically killed.

**The Committee took a straw vote to gauge support for eliminating the "Ought to Pass in New Draft" report type. With 10 votes in favor and none opposed, the Committee showed unanimous support for the proposal.**

### Committee Voting Thresholds

Senator Bennett requested to clarify whether Members who are not physically present can make new motions, or simply join existing motions.

Senate President Daughtry responded that this concern has already been addressed in the model Committee rules, but she would support putting this idea in the Joint Rules for added specificity.

**The Committee took a straw vote to gauge support for the proposal regarding Committee voting thresholds. With 10 votes in favor and none opposed, the Committee showed unanimous support for the proposal.**

## Committee Voting Hours

Senator Bennett suggested amending the Joint Rule to explicitly disallow Committees taking votes during the overnight hours, or to invalidate any votes taken between 10:30 p.m. and 7:30 a.m.

Senator Pierce replied that some Committees (especially AFA) have strict timeliness requirements for some bills and actions, so their work cadence may necessitate taking votes at irregular hours. She agreed that this is not the ideal scenario.

Senator Stewart asked whether a prohibition on overnight voting could be worked around by an affirmative vote to suspend the rules. He said that establishing such a prohibition would encourage good behavior.

Senate Chair Carney reflected that there are some extenuating circumstances where a Committee may choose to work through the night, such as trying to get ahead on the workload in advance of a winter storm.

Senator Bennett responded that he does not want to limit the ability of Committees to meet as they please, but he expressed the belief that voting ought to be done publicly in the light of day for accountability reasons.

Representative Faulkingham voiced support for improving workplace conditions for legislators by placing limits on how late they are expected to work. He argued that some legislators should not be expected to stay at work late into the night due to health reasons.

Senator Daughtry asked what other states do regarding this situation?

The Committee decided to defer action on this proposal until the information Senator Daughtry requested can be reviewed.

## Fiscal Notes

Senator Bennett suggested this area of the Joint Rules requires substantial review, but it is a 'different kettle of fish' from the changes the Committee is currently discussing and should be revisited at a later date. Additionally, he said he has a proposal to address his concerns with the Appropriations process in general that is currently on the Senate Table.

The Committee took no further action on this proposal.

## Participation in Budget Hearings and Work Sessions

Senator Pierce explained the current procedure regarding Policy Committees participating in the budget process.

House Speaker Fecteau expressed opposition to any changes.

The Committee took no further action on this proposal.

## Special Appropriations Table

House Speaker Fecteau argued that since the Special Appropriations Table only exists in the Senate, the Joint Rules are not the appropriate place to regulate it.

The Committee took no further action on this proposal.

## Legislative Studies

House Chair Moonen indicated he supported the proposed changes.

**The Committee took a straw vote to gauge support for modifying the definition of "legislative resources" and omitting the reference to non-legislative studies. With 7 votes in favor and none opposed (3 members absent), the Committee showed unanimous support for the proposal out of those present.**

Senator Bennett presented a new proposed amendment to Joint Rule 353.8 to require the Legislature to consider proposals that result from legislative studies. He expressed frustration with a situation where a study group's recommendations were ignored by a Committee after investing time and money to study an issue.

Senate Chair Carney asked Senator Bennett whether he was referring to a legislative or non-legislative study?

Senator Bennett answered that he was referring to a Blue Ribbon Commission regarding the Fund for a Healthy Maine, whose recommendations were never considered by the Legislature or given a public hearing.

House Chair Moonen pointed out that many legislative and non-legislative study groups, Commissions, and other stakeholders submit recommendations to the Legislature, and Committees need discretion over which outside groups' suggestions are considered.

Senator Bennett replied that the proposed change could reflect a distinction between the various groups making recommendations, with a preference for legislative studies. He called the ability of Committees to ignore study groups' recommendations "institutionalized rudeness" that should be reformed.

House Chair Moonen voiced discomfort with forcing Committees to act in a certain way. He also pointed out that under the current Rules, every bill needs a specific sponsor for introduction, which necessitates a conversation between the study group making recommendations and at least one legislator that wants to bring those changes forward.

Senator Pierce echoed House Chair Moonen's concerns.

Senator Bennett called for consistent treatment in various situations instead of relying on the discretion of Committee Chairs.

Senate Chair Carney suggested deferring on this proposal until later in the session.

Senator Bennett said he would submit legislation to accomplish his goals in this area.

The Committee took no further action on this proposal.

#### Study Table – List of Priorities

Senate President Daughtry indicated that the Presiding Officers could send a memo establishing procedures in this area.

The Committee took no further action on this proposal.

#### Proposals Governed by Statute – Statutory Adjournment

Senate President Daughtry advocated for considering changes to Statutory Adjournment, but since any changes would require legislation and fall outside the Committee's jurisdiction, this is not the appropriate venue for this discussion.

The Committee took no further action on this proposal.

#### Legislative Calendar

Senate President Daughtry explained that the Presiding Officers have already sent out the session schedule for January and February, as well as specifying the February vacation week for all Members and staff.

Senate Chair Carney indicated the Committee would revisit this question later in the session.

The Committee took no further action on this proposal.

### Committee Chair training

Senator Bennett expressed his concern regarding inconsistencies in the way information and documents are handled between the various Committees, which can confuse the public and discourage participation in the legislative process.

Senate President Daughtry agreed that training for Committee Chairs could be more robust. She called for providing legislators an opportunity to practice the procedures before they begin their work, such as a mock session.

Representative Sargent endorsed the proposal for better training. She reflected that it is hard for rank-and-file Members to fully understand the legislative process.

The Committee took no further action on this proposal.

### Bill Limits

The Committee determined that since the "horse is out of the barn" with bills being submitted for this legislative session, any action ought to be deferred to the end of the session.

The Committee took no further action on this proposal.

### Carry over Bills

The Committee decided to check back in on this issue at a later date.

The Committee took no further action on this proposal.

### Language Review

Speaker Fecteau pointed out that materials that had been posed online during the pandemic (e.g. OPLA-prepared bill analysis, proposed Committee Amendments before adoption) are now only available on paper.

Ms. Fox reiterated the duplication of effort that distributing materials digitally and on paper would require. She referred to the 'sacred relationship' between an analyst and the Committee they serve, which does not include any duty to the public at large. The proposed

amendment language is provided for the benefit of the Committee, so that the language can be approved and finalized *before* sharing with the public.

House Chair Moonen added that there is an expectation of confidentiality for a sponsor of an amendment before that amendment's language is finalized and approved.

Senator Bennett asked why there is such a discrepancy in how these materials are handled between the various Committees?

Ms. Fox responded that it was her decision to prioritize OPLA's resources. She also reminded the Committee that the bill analysis only considers the original bill, before any changes made by Committee Amendments, and therefore the information may be inaccurate and misleading for the public if the Committee made subsequent changes.

The Committee took no further action on this proposal.

### Committee Caucuses

Representative Sargent asked what the current practice is?

Senate Chair Carney answered that it depends on the specific Committee.

Senator Bennett reflected that he has noticed more business being done and information being shared in caucus, which results in the public not being able to participate as much in the legislative process. Despite his concerns, he said he was comfortable with not taking any action today.

The Committee took no further action on this proposal.

### Committee Decorum

House Speaker Fecteau said that this issue is already being addressed during training for Committee Chairs.

The Committee took no further action on this proposal.

### Leaves of Absence

Senate Chair Carney pointed out that there are privacy implications with asking Members for more specific reasons for their absences.

Senator Bennett observed that requests for leave are almost universally granted, no matter the reason, so specificity is not needed.

The Committee took no further action on this proposal.

### Staffing Levels

The Committee determined that this proposal falls outside the scope of the Committee.

House Speaker Fecteau related that staffing levels in at least OFPR have recently been increased.

Senator Bennett asked whether any of the changes the Committee has supported today would increase the strain on staff resources in non-partisan offices?

Clerk Hunt highlighted a distinction on whether the proposed changes would require additional resources and/or staff, or increase the workload on existing staff.

The Committee took no further action on this proposal.

### Legislative Code of Ethics

The Committee decided to revisit the Code of Ethics at a later date.

### Other Proposals

House Speaker Fecteau proposed a change to Joint Rule 302 to specify that Members in leadership positions (Presiding Officers and Partisan leadership) do not need to receive at least one initial Committee assignment, which reflects the current practice in the House.

**The Committee took a straw vote to gauge support for Speaker Fecteau's proposal. With 7 votes in favor and none opposed (3 Members absent), the Committee showed unanimous support for the proposal out of those present.**

Senator Bennett referred to his proposal regarding the structure of the Committee on Appropriations and Financial Affairs that is currently Tabled in the Senate. He sought an opportunity to discuss the merits of the proposal with the Committee.

Senate Chair Carney recommended waiting to have the discussion until the proposal is properly referred to the Joint Rules Committee.

Senator Bennett responded that none of the proposals the Committee has already discussed had been properly referred to the Joint Rules Committee (having been inherited from the Joint Rules Committee in the previous Legislature), so it is the appropriate venue to have the discussion.

House Speaker Fecteau suggested that 21 Members would be too many, since it is hard to find Members who are willing to make the significant commitment of time and energy that is required to serve on AFA, but he would be open to discussing the merits of the proposal.

Senator Bennett conceded that the Committee can defer this conversation to a later meeting, but reiterated his desire to explore this issue further.

The Committee took no further action on this proposal.

### Committee Discussion

The Committee discussed the feasibility of putting together a Joint Order implementing the changes that have been discussed, to be voted on this Thursday morning.

The non-partisan staff indicated that it may be possible.

Senator Bennett pointed out that the Committee on Housing and Economic Development already has a meeting scheduled for Thursday at 9:00 a.m., so that time would create a conflict.

House Speaker Fecteau asked whether the Committee was authorized to meet and take votes remotely?

Ms. Gresser answered in the affirmative.

House Speaker Fecteau indicated that since there seems to be wide consensus on many of the proposals, a remote meeting would be sufficient to vote on a Joint Order.

The Committee decided to return for a hybrid meeting on Thursday afternoon, exact time TBD, to vote on a proposed Joint Order incorporating the proposals that received widespread support for the Committee. The Joint Order will be prepared by non-partisan staff according to the preceding discussion.

**There being no other business or announcements, the Committee adjourned at 1:45 p.m. by unanimous consent.**