

DRAFT
128th Maine Legislature
First Regular Session

Government Oversight Committee
COMMITTEE RULES OF PROCEDURE

Scope. The rules of the Government Oversight Committee, the Joint Legislative Committee on Program Evaluation and Government Accountability, are set forth in this document. These rules are adopted and must be interpreted within the context of the laws that prescribe the duties of the Committee, including Title 3, chapter 37 and all other applicable laws, and within the context of the Joint Rules of the Legislature. Rules adopted by the Committee may not be inconsistent with the law and, pursuant to Title 3, section 994, subsection 10, may not be in conflict with the Joint Rules of the Legislature.

- 1. Chair Presides.** Pursuant to Joint Rule 302, the Senate chair shall preside and in the Senate chair's absence, the House chair shall preside and, thereafter, as the need may arise, the chair shall alternate between the members from each chamber in the sequence of their appointment to the committee.
- 2. Quorum.** Pursuant to Joint Rule 306 and Title 3, section 165, a quorum is 7 members, and a quorum must be present to start a meeting or at any time a vote is taken, other than on a motion to adjourn. A quorum is not required to continue a meeting.
- 3. Attendance.** It is each committee member's responsibility to notify the Committee Chairs whenever the member is unable to attend a public hearing or work session.
- 4. Scheduling of Committee meetings.** Joint Rule 304 and 305 govern the scheduling and notice of all meetings of the Committee.
 - A. The Senate chair, with the agreement of the House chair, and the assistance of the Director shall schedule all meetings of the Committee. If the chairs do not reach an agreement, the committee shall decide by majority vote of the membership.
 - B. In accordance with Joint Rule 305, the presiding officers jointly establish authorized meeting days. The committee may meet only on authorized meeting days unless the presiding officers authorize an exception in writing.
 - C. Public hearings must be advertised 2 weekends in advance of the hearing date. All exceptions to this requirement require advance approval of both presiding officers.
 - D. The Director shall provide for updating and distributing a schedule of upcoming Committee meetings to all committee members at least once a month, or immediately upon any change to a previously distributed meeting schedule, and shall make that schedule available to the public either by written notice or through the use of a publicly accessible site on the Internet.
 - E. The committee shall provide reasonable access for persons with disabilities at its meetings and allow adequate time for participation by persons with disabilities.

- F. Pursuant to Joint Rule 305 and Maine's freedom of access laws (Maine Revised Statutes, Title 1, chapter 13, subchapter 1), the committee may not hold a hearing or conduct a work session for which notice has not been posted.
- 5. Questions of order.** Pursuant to Joint Rule 304, the presiding chair shall decide all questions of order, subject to appeal to the committee. The chair's ruling stands unless overruled by a majority of the committee membership.
- 6. Smoking and eating restrictions.**
- A. Pursuant to 22 MRSA § 1542, smoking is prohibited in all committee rooms and committee offices. Smoking is prohibited in the Cross Building and the State House and on the grounds of the State House complex except in outdoor areas specifically designated as smoking areas.
- B. Members of the public may not consume food or beverages in the committee room.
- C. Committee members may not consume food or beverages in committee rooms except as follows:
- (1) During public hearings, committee members may consume water only;
 - (2) During work sessions, committee members may consume beverages; if a work session extends past 6:00 p.m., committee co-chairs may permit members to consume food and beverages; and
 - (3) The co-chairs of the Government Oversight Committee may permit the consumption of food and beverages in Room 220 of the Cross Office Building at any time.
- 7. Procedures for public hearings.** The purpose of public hearings is to receive reports from the Office of Program Evaluation and Government Accountability, solicit input from the public on the final report received by the Committee, question public officials about office findings and recommendations or to solicit input from the public on legislation proposed by the Committee to address the findings or recommendations of a report from the office. Except by vote of a majority of the Committee, the Committee may not hold a public hearing to solicit public input on a final report until at least 14 days after that final report is received by the Committee and distributed to the public as provided by Title 3, section 994, subsection 4 and section 997, subsection 2. Joint Rule 304 governs the public hearing process.
- A. Each person testifying shall announce his or her name, residence and affiliation prior to testifying. The person also shall either sign the sheet maintained by the committee clerk or otherwise provide that information to the committee clerk to be placed in the committee files.
- B. Legislators and persons in the audience must be addressed by their title.
- C. Pursuant to Joint Rule 307, all written materials presented to the committee must bear the name, address and affiliation, if applicable, of the presenter and the date presented. Persons submitting written materials shall provide the Committee with at least 20 copies.

- D. All questions must be addressed through the chair. Pursuant to Joint Rule 304, the chair may limit testimony at public hearings as necessary for the orderly conduct of the hearing.
- E. Committee members may question witnesses to clarify testimony and to elicit helpful and pertinent information. While probing questions may sometimes be appropriate, members shall show respect at all times for the witnesses and for one another. Members shall refrain from questioning that is argumentative, oppressive, repetitive or unnecessarily embarrassing to hearing participants. Advocacy and discussion among members are not appropriate at public hearings.
- F. Committee members and members of the public shall refrain from making or receiving phone calls during public hearings, and from using pagers during public hearings unless the pagers are placed in a non-audible mode.

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

- A. All questions must be addressed through the chair.
- B. Because work sessions are primarily for deliberation on reports and discussions with the Director, members of the audience may not participate except at the invitation of the chair.

9. Voting.

- A. A quorum must be present for votes to be taken.
- B. Votes may not be taken after 10:30 p.m. or before 7:30 a.m. unless first authorized by the Presiding Officers.
- C. A member may abstain from voting only if the member has a conflict of interest as described in Joint Rule 104.
- D. The Director shall provide for recording all votes of the Committee. Votes taken will be recorded on a Voting Tally Sheet which will serve as the record of the majority and minority "report". The results will be summarized in the applicable Meeting Summary and the Voting Tally Sheet, along with pertinent written materials, will be maintained in Committee files in the OPEGA Office.
- E. If all members are not present for votes taken in regards to paragraphs G, H and I of this section, those members who are absent may register their vote with the Director until the following periods have expired:
 - (1) If any member is absent from the committee at the time of the vote, that member's vote may be registered with the Director up until noon on the 2nd business day following the vote.

If the presiding officers jointly determine that operational needs of the Legislature so require, they may require that a member who is absent from the committee at the time of the vote register that member's vote by noon on the next business day following the committee vote.

- F. For those instances when absentee votes will be accepted, the Committee Clerk will make reasonable efforts to notify absent members of motions made that they can still vote on. These efforts will include an email and telephone call to the members home. Absentee voting shall be done in person with the Committee and the voting member will be required to initial the Voting Tally Sheet. If circumstances do not permit a member to vote in person, the member may vote by phone, fax or email with permission by the Presiding Officer. Members casting absentee votes by phone will be required to make arrangements to initial the Voting Tally Sheet. Any written materials pertinent to a vote will be provided to absentee members before they register their vote. Once the period for absentee voting has passed, the Committee Clerk will notify all members, by email, of the final vote results.
- G. The Committee shall vote to authorize OPEGA to begin or schedule specific reviews. This includes votes to approve the Annual Work Plan, make changes to the "approved" Work Plan or to initiate Rapid Response reviews. Such motions must pass by a majority of those voting, with the exception that motions to begin Rapid Response reviews must pass by 2/3 of those voting.
- H. The Committee may, at its discretion, vote on a final report of the office that has been received by the Committee in accordance with Title 3, chapter 37. The Committee may vote to:
 - 1) Endorse the report;
 - 2) Endorse the report in part; or
 - 3) Release the report without endorsement.
- I. The Committee may, at its discretion, vote to introduce legislation to address the findings or recommendations of a final report of the Office that has been received by the Committee. That legislation may be introduced only upon receiving the affirmative support of 7 members of the Committee. Legislation introduced by the Committee shall be reported to the Legislature pursuant to the Committee's authority under Title 3, section 997, subsection 2. If the vote on legislation introduced under this paragraph is not unanimous, the jacket for that legislation must include the signatures of those members who voted in support of that legislation and those members who voted against that legislation.
- J. If the vote is not unanimous, more than one report is required. Majority and minority reports must be voted on in a work session in accordance with the Joint Rules.
- K. The Director shall prepare the committee jacket or jackets following the vote and obtain signatures from committee members as required.
- L. All reports and bills resulting from votes of the Committee must be submitted to the Legislature at the same time and within applicable reporting deadlines established by the Presiding Officers.

10. Subcommittees: Membership of any subcommittees appointed by the Committee shall be bipartisan in nature.

11. Participation in the Budget Process: The committee shall appoint a subcommittee of at least 4 and not more than 6 of its members, an equal number being from each body and each of the 2

major parties, to serve as liaisons to the Joint Standing Committee on Appropriations and Financial Affairs in the consideration of the Governor's budget bills. Joint Rule 314 governs committee participation in the development of budget legislation.

12. **Use of the Committee Room:** The Director shall ensure that meeting rooms are reserved as necessary for the Committee in consultation with the Executive Director of the Legislative Council. Committee chairs and other committee members shall coordinate the use of the room with the Director.
13. **Confidentiality.** The committee shall protect confidential records in accordance with procedures set forth in Joint Rule 313 and freedom of access laws, the Maine Revised Statutes, Title 1, chapter 13, subchapter I, and Title 3, chapter 37.
14. **Executive Sessions.** The procedures and limitations governing executive sessions of the Committee are governed by Title 1, section 405.
15. **Administration of oaths.** The administration of oaths to witnesses appearing before the Committee is governed by Title 3, section 994, subsection 6.
16. **Issuance of subpoenas.** The issuance of subpoenas by the Committee are governed by Title 3, section 994, subsection 8, Title 3, section 165 and Title 3, chapter 21.
17. **Roles and responsibilities.** The roles and responsibilities of the Committee in relation to those of the Office of Program Evaluation and Government Accountability shall be clearly defined, documented and adopted by a majority vote of the Committee.

Adopted by the Government Oversight Committee on:

Date:

By:

Senate Chair: _____
Sen. Roger Katz

House Chair: _____
Rep. Anne-Marie Mastraccio

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